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THE

SOMERS

COLLECTION OF TRACTS.

EDINBURGH:
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A

COLLECTION

OF

SCARCE AND VALUABLE

TRACTS,

ON THE MOST

INTERESTING AND ENTERTAINING SUBJECTS:

BUT CHIEFLY SUCH AS RELATE TO THE

HISTORY AND CONSTITUTION

OF

THESE KINGDOMS.

SELECTED FROM AN INFINITE NUMBER IN PRINT AND MANUSCRIPT, IN THE ROYAL, COTTON, SION, AND OTHER PUBLIC, AS WELL AS PRIVATE, LIBRARIES;

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THAT OF THE LATE LORD SOMERS.

THE SECOND EDITION,

REVISED, AUGMENTED, AND ARRANGED,

BY

WALTER SCOTT, Esq.

VOLUME ELEVENTH.

The bent and genius of the age is best known, in a free country, by the pamphlets and papers that come daily out, as the sense of parties, and sometimes the voice of the nation. PREFACE TO KENNET'S REGISTER.

Judex qui aliquid statuit, una parte audita tantum et inaudita altera, licet æquum statuerit, haud æquus fuerit.
LD. COOK & JUST. INST.

LONDON:

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1814.

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TRACTS

DURING

THE REIGN OF KING WILLIAM III.

CLASS SECOND.

HISTORICAL TRACTS CONTINUED.

THE

SOMERS

COLLECTION OF TRACTS.

KING WILLIAM III.

CLASS SECOND.

CONTINUATION OF

HISTORICAL TRACTS.

A short Account of the Bank of England. Heretofore published by Michael Godfrey, Esq. deceased.

CONSIDERING the variety of opinions concerning the Bank, it may be thought a service to the publick to give the following account of it, whereby 'twill appear, That the Bank, notwithstanding all the cavils which the wit and malice of its opponents have raised, is one of the best establishments that ever was made for the good of the kingdom: For how plausible soever their objections may seem, 'tis manifest they proceed in some from aversion to the government, in others from prejudice, false insinuations, or mistaken notions, but in most from self-interest.

The Bank is a society consisting of about 1300 persons, who having subscribed 1,200,000*l.* pursuant to an act of parliament, are incorporated by the name of "The Governor and Company of the Bank of England," and have a fund of 100,000*l.* per annum granted them, redeemable after eleven years, upon one year's notice; which 1,200,000*l.* they have paid into the Exchequer, by such payments as the publick occasions required, and most of it long before the money could have been demanded.

The subscriptions to the Bank were made by virtue of a commission under the great seal of England, grounded upon the said act of parliament, of which publick notice was given, and the commissioners were appointed to take all such voluntary subscrip-

tions as should be made on or before the first day of August last, by any person or persons, natives or foreigners, bodies politick or corporate, towards the raising the said 1,200,000*l.*; and there was a proviso in the said act, that if 600,000*l.* or more of the said 1,200,000*l.* should not be subscribed on or before the first day of August then next coming, that the power of making a corporation should cease, and the money be paid into the Exchequer by the respective subscribers and contributors. And notwithstanding all the endeavours of its adversaries, the whole 1,200,000*l* was subscribed in ten days time, though, if the subscriptions had not amounted to 600,000*l.*, the subscribers would have had but a bad bargain, and such as nobody would have taken off their hands for 20 per cent. loss of their principal, and yet they would have received 8*l.* per cent. per annum for their money; nor would the 1,200,000*l.* have been any thing near subscribed, but upon the prospect of their being incorporated to be the Bank of England.

It's observable, That the promoters of the Bank have proposed no advantage thereby to themselves above any of the other subscribers, all the profit being only *pro rata*, according to their stock; and though it cannot be imagined but that they intended to be largely concerned, yet it is so settled, that those who have but 500*l.* have one vote, and those who have never so much can have no more; and the directors have no salary fixed for their pains and attendance, but submit themselves wholly to what a general court will think fit to allow them; and any nine members, having each 500*l.* stock, may call a general court, and turn out the governor, deputy-governor, and all or any of the directors, and choose others in their places. Which are provisions so wise, and effectual to prevent fraud in some, to the prejudice of the rest, that it hardly leaves room for any doubt of that nature.

I shall not attempt to enumerate all the advantages which the nation will receive by the Bank, however I will mention some few, which alone are sufficient to recommend it, viz.

The Bank, besides the raising 1,200,000*l.* towards the charge of the war, cheaper than it could otherwise have been done, (and like the other publick funds, tying the people faster to the government,) will infallibly lower the interest of money, as well on publick as private securities, which all other funds have advanced, and which hath been raised to an exorbitant rate, as to the publick, by those who have made use of its necessities, and are now angry at the Bank because that will reduce it. And the lowering of interest, besides the encouragement it will be to industry and improvements, will, by a natural consequence, raise the value of land and increase trade, both which depend upon it; but it cannot be expected that land shall rise much whilst such high taxes continue upon it, and whilst there are so great advantages to be made by lending money to the publick.

The Bank gives money for tallies on funds, having a credit of loan by act of parliament, and which are payable in two years time, for the growing interest only, without any other allowance, on which there was used to be paid for the change, as much or more than the publick interest: For even on the land-tax, which is counted the best of all funds, there has been frequently given on tallies payable in three or four months time, 1*l.* 1½, 1¾, and two per cent. premio, over and above the publick interest, and tallies on some funds on which but 12 or 18 months past there was 25*l.* and 30 per cent. given over and above the publick interest, are now taken by the Bank for nothing, and instead of allowing money to change them, there is now money given to procure them; so that tallies are become better than money, because there is 7 or 8 per cent. per annum benefit whilst they are kept; and they are paid by the Bank upon demand, to all those who desire to have money for them, which is in effect so much quick stock which the Bank has already increased to the nation, besides what it will farther add to its own credit.

Thus by a regular course, and without any violence, the Bank has made tallies current in payment, which is what has been so long wished for, but could not have been effected without the Bank (although there had been a law to compel it), and this has given such a reputation to all tallies, even those which are the most remote, that they are now currently taken by private persons at 6, 8, 10, 15, and 20*l.* per cent. less allowance than what was given but some few months before the Bank was established, all which losses on tallies was paid by the publick; for it cannot be supposed, but that those who are to allow 15 or 20 per cent. for discount of their tallies, make provision accordingly in the price they are to have for their commodities.

The Bank will likewise facilitate the future supplies, by making the funds which are to be given more useful and ready to answer the publick occasions, and upon easier terms than what has been done during the war: For 'tis said they will lend money on the land-tax at 6 per cent. per annum, nay some say at 5 per cent. per annum; which will save the nation a great sum of money in interest, as well as what was usually paid for gratuities and other charges to procure loans; a method that some of the opposers of the Bank have been well acquainted with.

But now the Bank is established, and that all who want money, and have securities, know where to be supplied, and the terms, there cannot be such advantages made on the publick or private men's necessities for the future.

The more credit the Bank has, and the more money is lodged in it, the more it will lessen interest, for want of occasions to improve it, and those who lodge their money in the Bank, have it as much at their disposal as if it were in the hands of the goldsmiths, or in their own cash-chest; and there is a greater value than the money which is deposited in the Bank that circulates by their credit, as much as if it were stirring in specie: And the bank-bills serve already for returns and exchange to and from the remotest parts of the kingdom, and will in a little time do the like in foreign parts, which will lessen the exporting of bullion for the paying and maintaining our armies abroad during this war; and if the bulk of the money of the nation which has been lodged with the goldsmiths, had been deposited in the Bank four or five years past, it had prevented its being so scandalously clipt, which one day or other must cost the nation a million and a half, or two millions, to repair.

Those who are concerned in the Bank cannot fail to lessen the interest of money, for it's their own interest to do it, else they cannot employ it; and their fund being settled at 8*l.* per cent. per annum, the lower they bring all other interest they make the stock of the Bank the more valuable; and it must be allowed, that it is the only fund that ever was settled in England which has lessened the interest of money. And 'tis very observable, that any resolution that the concerned in the Bank have taken to be more serviceable in accommodating the publick or private men's occasions, has always given it a farther reputation, and increased its value; and the more they serve the interest of the nation, so much more they serve their own, they being under this happy circumstance, "That they cannot do good to themselves but by doing good to others."

The nation pays for the million on annuities 14*l.* per cent. per annum for ninety-nine years, and for the million lottery 14*l.* per cent. per annum for sixteen years, besides about one-tenth part which was expended in charges; and reckoning interest upon interest, at 5 per cent. per annum, as some have computed it, the lottery amounts to above three millions, and the annuities amount to above 260 millions.

The funds of wine, vinegar and tobacco, East-India goods, joint-stocks, paper and parchment, and new impositions, are all at 8*l.* per cent. per annum as well as the Bank; and yet there has been from 20 to 30*l.* per cent. loss on tallies upon several of these funds, besides the publick interest; the like has been on the remote parts of the one-third excise and three-fourthcustoms before the Bank was established, and there-

by the nation has paid 12, 14, 16, 18, and 20 per cent. per annum interest for money, which, if it had continued, must have ruined the kingdom: But now, that they who have made these advantages by the publick are prevented of the like for the future, they will be more ready to lend money on private securities, or to purchase lands, for want of occasions to improve their money to so much better advantage.

It's a matter which is very surprising, and without any example, that after the nation has been six years engaged in such a chargeable war, and has been at near thirty millions expence, and such quantities of bullion have been exported, besides the loss of several millions which the enemy has taken, that, after all this, instead of the interest of money rising (as has been usual in all wars), there should now be such a fall of interest, which must be acknowledged to be wholly owing to the Bank, and that it could not have been effected without it; for till the Bank exerted itself, the interest of money was rising apace, and would have continued so, and have come to a strange exorbitancy ere this, if the Bank had not been established.

The Bank being thus useful to the publick, extends itself likewise to accommodate all private men's occasions; for they lend money on mortgages, and real securities, at 5*l.* per cent. per annum; and their very publishing they would do it, has given a check to the raising the interest on them, from 5 to 6*l.* per cent. per annum, as was attempted: And if the titles of land were made more secure, money would be lent thereon at 4*l.* per cent. per annum, and in time of peace at 3*l.* per cent. per annum. Foreign bills of exchange are discounted at $4\frac{1}{2}$ per cent. per annum, and inland bills and notes for debts at 6*l.* per cent. per annum; and those who keep their cash in the Bank have the one discounted at 3*l.* per cent. per annum, and the other at $4\frac{1}{2}$ per cent. per annum, for which most goldsmiths used to take 9 or 10 per cent. per annum. And money is lent on pawns of commodities which are not perishable at 5*l* per cent. per annum; for which some in their necessities have paid more than double as much, to the ruin of many great traders.

Money is likewise lent on the fund of the orphans of the city of London, at 5*l.* per cent. per annum, which will hinder several, who are necessitous, from being forced to sell their interest at under-rates.

And 'tis said they have agreed to set up a Lumbard to lend money on small pawns, for the relief of the poor, at one penny per month for 20 shillings, for which they now pay sixpence or twelvepence every week: And 'tis probable, if the Bank was not restrained by act of parliament, they might take into consideration the exchanging seamen's tickets for money, for a very small allowance, for which they have oftentimes paid 7 or 8 shillings in the pound.

The Bank will reduce the interest of money in England to 3*l.* per cent. per annum in a few years, without any law to enforce it, in like manner as it is in all other countries where banks are established, whereby the trade of the nation may be driven upon more equal terms with the rest of our neighbours, where money is to be had at so much lower rates than what we in England have hitherto paid: And as the lessening the interest of money will infallibly raise the value of land, it had been worth while for the nobility and gentry, who are the proprietors of the real estates in England, to have given a land-tax for the Bank of double the sum which was raised by it, if they could not otherwise have obtained it; for the falling the interest of money to 3*l.* per cent. per annum, to which rate the Bank will reduce it, will unavoidably advance the price of land to above thirty years purchase, which will raise the value of the lands of England at least 100 millions, and thereby abundantly reimburse the nation all the charges of the war; and will not only enable the gentry to make better provision for their younger children, but those who now owe money on their lands to pay off their debts, by the increase of the value of their estates.

The ease and security of the great receipts and payments of money which are made by the Bank, (where people's cash is kept as it is at the goldsmiths) together with the safe depositing of it, are such advantages to recommend it, that they ought not to be past over without some observation; especially considering how much money has been lost in England by the goldsmiths and scriveners breaking, which, in about 30 years past, cannot amount to so little as betwixt two and three millions, all which might have been prevented, had a Bank been sooner established. For none can lose by the Bank, they having a fund of 100,000*l.* per ann. and money, or good securities besides, for as much as they owe, wherewith to pay all that trust them.

These are such services to the nation in general, which have been (and will be) done by the Bank, as could not have been done without it; and such arguments as these, arising from fact, are better demonstrations, and more convincing of the usefulness of it, than mere speculative notions urged by its opposers, can be to prejudice others against it; and therefore it would be an unaccountable sort of policy, to endeavour to deprive the nation of those vast advantages which it now does and will receive by it.

Having given this short account of the Bank, I shall consider the objections that have been made against it, and who they are that make them; in which I shall chiefly take notice of those who would cloak the opposition they make out of private interest, under some other specious pretences; among which there are some who would be thought the most zealous for the government, who at first pretended to dislike the Bank, only for fear it should disappoint their majesties of the supplies which were proposed to be raised by it. But since the whole 1,200,000*l.* has been so readily subscribed, their opposition has increased, and their being now so zealous against it, can only proceed from their fear that they shall not have the like opportunities as they have had, to impose on the public, by whose necessities they have made so great advantages; and they now threaten what they will do to destroy the Bank this session of parliament; as if what past in the last were to be undone in this.

There are others, who are for forcing a currency of bills, or tallies, and think they may pass as well as bank-bills; but they do not consider, that 'tis nothing makes bank-bills current, but only because that all those who desire it, can go when they will, and fetch their money for them; and to force any thing to pass in payment but money would soon end in confusion: For it cannot serve the nation's occasions at home, much less our foreign negociations with other countries abroad; seeing that all those who take bills of exchange on England, are too wise to accept any such sort of payment; but will be sure to have them made payable in sterling money in specie, in like manner as the bills which are now drawn on Spain, are made payable in old money, as before the *Pragmatica:* which, together with the late essay of copper-money in Ireland, might be sufficient to shew, that all such attempts will be ineffectual.

And besides the confusion it would make, the danger of their being counterfeited, is an objection that cannot well be answered; and all that it would cost to exchange them for money, would be certainly paid by the government: For it would be considered by those who sell their goods, in the prices of them; and though but a small sum were paid for the loss of exchanging them for money, by every one through whose hands they should pass, yet there might be more than the whole value lost thereby in less than one year's time: and the very proposing such an innovation is of dangerous consequence, and tends to destroy the public credit. For if it should be attempted to make any thing current in payment but specie money, nobody would trust the government on any loans for the future; and it would put a stop to the discounting tallies, or bills of exchange, lending money on pawns or mortgages, or indeed to the giving any credit, but upon the undoubted assurance of receiving the payment in specie: For on all other sorts of payment there will be a loss to exchange them for money; and it would discourage our friends, and encourage our enemies, by proclaiming to the

world, that we are not able to continue the war, and this would put an end to it: For we should be forced to submit to such terms as the French king would think fit to grant us.

It's very observable, that all the several companies of oppressors are strangely alarmed, and exclaim at the Bank; and seem to have joined themselves in a confederacy against it, out of pure zeal (as they pretend) for the good of the public; whereas 'tis nothing but their private interest, that has so nettled them to see their craft and trade of oppression endangered; for extortion, usury, and oppression were never so attacked as they are like to be by the Bank: and 'tis that which has engaged them, to use all the arts and tricks they could invent, to blemish it; and amongst the rest, to make those that owe money uneasy at it, great sums have been called in; especially if any have happened to be due from those, whose public stations might make their anger the more significant; pretending, that the Bank has made such a scarcity of money, that none is left, to be lent on land or other securities; though if it really did what they pretend, they would be far from being angry at it; scarcity of money naturally producing a high interest, and a difficulty for those that want to be supplied with it; which are the best arguments that can be used, to extort double the price for procuration and continuation, crimes that would easily be forgiven by those men. But the Bank, on the contrary, makes a plenty of money, and renders it easy, for those that want to be supplied with it, at a moderate interest, as well on public as private securities, without paying any thing, either to procure or continue it.

There are others, who pretend to be against the Bank, lest it should hereafter join with the prince, to make him absolute, and so render parliaments useless. But though that may at first seem frightful, yet when it's considered, there will not appear any cause for such fear as is pretended; and it's morally impossible to be attempted, the concerned in the Bank being restrained by act of parliament, from advancing any money to the crown, but upon such funds only on which there is a credit of loan by parliament, under the penalty of each person's forfeiting treble the value of all the money lent; the one-fifth to the informer, and the other four-fifths cannot be pardoned by the king, but are to be disposed of by parliament; nor can it be the interest of the Bank to make any king absolute; seeing they have no security for their fund, nor for the money that is lodged in the bank, but the protection of the laws: For if they should contribute to make any king absolute, they can have no assurance that he would not (nay they may be confident that he would) seize on their fund and their money by violence; lest that they who contributed to make him absolute should afterwards endeavour to reduce him to a conformity with the laws of the land And certainly there is more danger of such a design from twelve or fourteen goldsmiths, who were used to have most of the running cash of the kingdom; or from other corporations, who depend wholly on prerogative, and are under no manner of restraint. Nor could such a design ever be attempted by the Bank; for the whole court of directors, which consists of twenty-six persons, must be made privy to it; and some of them to be sure would be against it; and it could not be kept secret, but would soon be divulged; and any nine members of the corporation may call a general court, who would infallibly turn out those that should incline to favour such a design: For 'tis not to be supposed, that such a body of men should agree to ruin themselves and their posterity, by losing their estates and their liberties, when 'tis in their power to preserve them. And seeing the triennial bill is past, a new parliament must be chosen, and sit once in three years; and during the war there is no danger but they will meet oftener.

There are others who are against the Bank, pretending, the fund from which its revenue arises is prejudicial to the nation: but if that were an objection, it might as well be urged against the annuity for lives, payable out of the same fund, and settled by the same act of parliament: But as this is not made an objection against the one, no

more ought it to be against the other; for the Bank would be the same, out of whatsoever fund the 100,000*l.* per ann. were payable; and if it were ill for the kingdom, the goodness of the fund would not make it the better; nor if the fund were a bad one, would that make the Bank the worse.

There are others, who are against the Bank, because they pretend the concerned have too good a bargain; though if it were really so, the nation pays but 100,000*l.* per ann. for 1,200,000, which is no more than their agreement; and 'tis much less than must have been paid for that money, if it had been to be raised in any other manner: But if there were any weight in this objection, it might be proper to be considered eleven years hence, when their term expires, in case they should endeavour a longer continuance. It never was thought to be an objection against those who have the fee-farm rents, that they have had too good a pennyworth, though they now sell at 21, 22, and 23 years purchase: And though great part of them were paid for by debentures, and old debts due from the crown, which were bought for little or nothing: Nor is it objected, that it was a thin house when the bill past, though upon the division there were but 42 members present.

Some find fault with the Bank, because they have not taken in the whole 1,200,000*l.* which was subscribed; for they have called in but for 720,000*l.* which is more than they have now occasion for: But however, they have paid into the Exchequer the whole 1,200,000*l.* before the time appointed by the act of parliament; and the less money they have taken in to do it with, so much the more they have served the public: For the rest is left to circulate in trade, to be lent on land, or otherwise to be disposed of for the nation's service; and it's better for the Bank, as well as the public, to have 480,000*l.* in the subscribers hands, ready to be called for as they want it, than to have had it lie useless by them: And it's very observable, that few of those who make this objection, either do or would trust the bank, though the whole 1,200,000*l.* were actually paid in by subscribers, as they would pretend to have it. And though they are so careful lest the Bank should not have credit, yet at the same time they pretend to fear its credit will so far prevail, that it will engross all the money in the nation. So that it seems as if they who would have 480,000*l.* called in, wanted a pretence to find fault with the Bank for having made money scarce, by calling in the remainder of the whole subscriptions, when they did not want it; unless they would shew by some new-discovered rules in arithmetic, that the calling in 480,000*l.* more would make the Bank have the less money lodged in it.

'Tis pretended by others, that the Bank is prejudicial to trade, because there are some under such unhappy circumstances, that the Bank cannot relieve them in their broken fortunes, and who have been sinking before the Bank was thought of. Indeed they who have not credit to borrow money at interest, nor to draw by exchange, and who have neither tallies, bills of exchange, nor good bills for debt to discount, goods to pawn, or land, or houses to mortgage, must be allowed to be in no very good condition, and must continue to pay as exorbitant allowances for money to supply their necessities, as they used to do before the Bank was established. What has been observed of discounting foreign bills of exchange at 3 per cent. per annum, in-land bills, and notes for debts at $4\frac{1}{2}$ per cent. per ann. lending money on pawns at 5 per cent. per ann. exchanging tallies, and lowering interest of money, it's supposed is sufficient to answer this objection.

'Tis alledged by some, that the Bank will ingross all manner of trades.—But this is an objection, like many others, which are made against it by those who do not understand its constitution; for if any person trades on account of the Bank in any other thing than taking pawns, or in bills of exchange or bullion, or consents that any other should trade, every such person so trading, or consenting to such trade, incurs, by the act of parliament, a forfeiture of treble the value of all that is traded for.

The goldsmiths have been guilty of engrossing most commodities themselves, and they have also been great merchants and traders: And since the nation has suffered so much by their monopolizing goods, and trading with other men's stocks, it may seem highly reasonable that the Bank is restrained from trade, for fear of those mischiefs which the goldsmiths have practised; so the goldsmiths, in like manner, should be limited to the selling plate and jewels, which was their antient and proper trade. And if there be an advantage to be made by the running cash of the kingdom, it's fitter for the Bank to have it, which consists of 1300 persons, and who employ it to serve the nation in general, by lowering the interest of money, than that it should be given to a few private men, who have already made use of it so much to the nation's prejudice.

And whereas they pretend, that the Bank has bought up all the silver; upon enquiry it appears that there hath not been 1200*l.* worth bought by the Bank, and the greatest part of that was pieces of eight, and the rest bars and piny silver, which came from Spain; though some particular refiners and goldsmiths have since that shipped off more than double that value in bars of English melting, and have likewise sold much greater parcels to others which have been exported. And it may be a matter well worth enquiry, where those mines are which have produced that silver.

And though it be made such a crime for the Bank to be concerned in the publick remittances, it is no more than was done by a goldsmith before the Bank undertook it: nor is it looked on as a fault in goldsmiths to deal by exchange, seeing some of them do now draw or remit money almost every post.

As to the pretence of the Bank setting a price upon guineas, and having engrossed the greatest part of all that are in the nation, 'tis answered, the Bank has always received and paid guineas, at two-pence or three-pence a piece at least under the price which the goldsmiths have put upon them; and has been so far from buying up any, that they have only received such as have been brought them in payment, and have constantly paid them away every week, at the same price they have received them: So that if they make any benefit by the advance of the price of guineas, 'tis chiefly on those which were received at the taking the subscriptions, which cannot come to any such quantity as is pretended: And 'tis a matter wholly owing to some, or all, of these causes:

To the goldsmiths and refiners, who have raised the price of them; or to the trade which is driven by the clippers, who sell their clippings for guineas, and with them procure heavy money; or to the badness of our silver coin, which is diminished every day.

There are others who make a mighty complaint against the Bank, because two-pence per day is allowed on bank-bills, and the money which was used to be lodged in their hands for nothing, and made use of by themselves, is now paid into the Bank by the owner; but they, it's supposed, will not find fault with receiving two-pence per day for that money, for which before they had nothing; and so one may be set against t'other.

'Tis pretended, the allowing two-pence per day hinders some from purchasing, or lending money on mortgages; and makes others who are traders, and owe money, bad paymasters.

But it may well be supposed there are none who intend to purchase, or lend money on mortgages, who will leave their money in the Bank at 3 per cent. per ann., and when they can have a purchase to their minds, or a good security at 5 per cent. per ann.; and there are few who could not leave their money lying dead rather than lay it out on the purchase of an estate they do not like, or lend it on a bad security.

And as for its making men bad paymasters, they must consider their credit or interest but little, who will delay paying their debts for the getting the two-pence per day per 100*l.* which is allowed on bank-bills, for in their future dealings they would pay a

much dearer interest.——The money which is lodged in the Bank, is only the money which can be spared, and was wont to be left with the goldsmiths; and it's strange that 3 per cent. per ann. which is allowed on bank-bills, should do all this mischief; and that the great advantages which have been made by the publick funds should never be made an objection.

But the plain truth of the matter is, that the goldsmiths are angry at the Bank's allowing two-pence per day per cent., because that by this means the money is drawn out of their hands the faster, and paid into the Bank for bank-bills.

And if allowing two-pence per day on bank-bills be looked on to be such a crime, it is very probable those concerned in the Bank will be willing in time to remove the objection, seeing it will ease them of the charge of 36,000*l.* per ann. which the interest amounts to, and which they have given the nation out of their fund for that money for which the owners used to have nothing.

Notwithstanding all these objections which are made against the Bank, and that the allowing two-pence a day per 100*l.* on bank-bills is pretended to be so prejudicial, yet there are some now, who, in opposition to it, talk of nothing less than settling a new one, with four-pence a day per cent. interest, which is double as much as is now paid by the Bank; nay, others are for setting up a bank in every city, or in every market-town, which shews, after all the cavils against the Bank, that a bank is good for the nation in general, and that the greatest objection against the Bank of England is, that they who find fault with it are not concerned in it, for many of those who clamour against it, do it only hopes of coming in the cheaper.

But the honour and justice of the whole nation (on whose credit and authority the subscribers are established to be the Bank of England for eleven years) is too much concerned to admit a supposal that any such designs should receive countenance or encouragement; for what past in the last session of parliament, and their refusing to admit any other lives to be added to their annuities, lest it should be thought to lessen the security on which the money was contributed, (though they were not intended to take place till after the lives in being were extinct,) shews the great care of the honourable House of Commons to preserve the publick credit, and to avoid any the least occasion which might make it suspected, and gives the whole nation a sufficient assurance that they who are the preservers of the people's rights and properties, will never suffer any thing to be attempted in that august assembly that may seem but to weaken the security or lessen the encouragement which they have given the subscribers to the Bank, and which they themselves have established by so solemn and inviolable a sanction. And all insinuations to the contrary (though under never such specious pretences) are of dangerous consequence to the government, tending to raise doubts and scruples in the minds of the people, and to lessen the publick credit: For if the parliamentary securities, on which all men, both natives and foreigners, firmly relying, have hitherto so freely contributed their fortunes for carrying on the war, were now made precarious and uncertain, nobody could trust them for the future; and during the war the government cannot possibly subsist without credit.

And besides, the seeming injustice which it would be to those who have subscribed and contributed their money upon the encouragement given by the act, of there being the Bank of England for eleven years, to have another established before those eleven years are expired, for which this bank is settled, it would be so far from being like the having of several shops to go to, to be better used (as is by some pretended,) that it would be a means to hinder either from being serviceable in the supplying the publick or private men's occasions: And the nation must pay the dearer for money; for one being in opposition to the other, there would be a sort of civil war between them; and the Bank being a bank of credit, neither of them, by their jealousy of each other,

would venture to extend its credit, but would bury the money of the nation, instead of increasing and quickening its circulation, as the Bank of England does, and will do.

To conclude, the instances which have been given (in the foregoing account) of the usefulness of the Bank, may, it's supposed, suffice to convince such as were prejudiced against it, upon the misrepresentations which have been so industriously made by those who appeared the most barefaced and violent in opposing it. But it may perhaps be objected, that the Bank is so far from being an advantage to all trades, that 'tis prejudicial to some; for it seems to be admitted, that the Bank will be injurious to twelve or fourteen banking goldsmiths, and to some scriveners, usurers, and pawn-brokers; because it will hinder them from exacting such oppressive extortion as some of them have done formerly; and it will quite ruin the whole trade of tally jobbers.

Now if the clamour of a few (whose trade hath been to make merchandize of the nation, and to enrich themselves by the necessities of others) shall not only prevail against the benefit of a community legally established, but even of the kingdom in general, and the credit of a parliament, then the enemies of the Bank may hope to subvert it: But until the publick good be postponed to private interest, and a small number of oppressors be too hard for the nobility, gentry, and traders of England in general, it will and must be preserved and maintained, because of its great use to the whole realm; and the benefits which already accrue by it in its infancy, are a good earnest of those greater advantages which the nation must receive from its future progress.

This writing indented witnesseth, That whereas in and by one act of parliament lately made and passed, entituled, "An Act for making good the Deficiency of several Funds herein mentioned, and for enlarging the Capital Stock of the Bank of England, and for raising the Publick Credit," it is, amongst other things, enacted, That it shall and might be lawful to and for the commissioners of his majesty's treasury, or any three or more of them, to covenant and agree in such manner as they shall think fit, with any person or persons, natives or foreigners, bodies politick or corporate, with whose abilities they should be well satisfied, for the immediate advancing or lending of monies from time to time, as there should be occasion, for the exchange of such bills (being part of the sum not exceeding fifteen hundred thousand pounds in the said act mentioned) as shall be refused, or not accepted of, or taken in repayment of such tallies or orders as are therein expressed; and that such person and persons as should contract and agree to advance and furnish in money for the exchanging and circulating of the said bills, in such manner as the commissioners of the treasury, or high treasurer, should appoint, immediately upon their paying or advancing any monies pursuant to their contracts or agreements, should have for their security and satisfaction the said bills, or such security as should be agreed upon between the said commissioners of the treasury, or high treasurer, and such contractors, and an interest or reward, not exceeding ten pounds per cent. per annum, as by the said act, relation being thereunto had, may more fully appear.

And whereas in and by one other act of parliament lately made and passed, entituled, "An Act for granting to his Majesty a further Subsidy of Tunnage and Poundage upon Merchandise imported for the Term of two Years and three Quarters, and an additional Land-Tax for one Year, for carrying on the War against France," it is (amongst other things) enacted and declared, That it should and might be lawful to and for the commissioners of his majesty's treasury, or any three of them now being, or for the high treasurer, or any three or more of the commissioners of his majesty's treasury for the time being, to cause bills to be made forth at the receipt of exchequer, for any sum or sums of money not exceeding twelve hundred thousand pounds, by the first-mentioned act authorized to be issued, in such proportions nevertheless as that

there should not at any one time be more bills standing out than to the value or amount of two millions of principal money; and that the said bills should have the like currency, and carry the like interest after the rate of five-pence per cent. per diem, as the bills for the said fifteen hundred thousand pounds; also that the said commissioners of his majesty's treasury, or the high treasurer for the time being, should and might contract and agree, in such manner as they should think fit, with the same or any other person or persons (with whose abilities they should be well satisfied) for the advancing or lending such further sums as they should think necessary for the exchanging such bills of the said twelve hundred thousand pounds, thereby authorised to be issued, as should or might be refused or not accepted in satisfaction of tallies and orders of loan in course of repayment as aforesaid; which persons so contracting should likewise have and receive an interest or reward not exceeding ten pounds per cent. per annum for the money they should advance for the purpose aforesaid, as in and by the first-recited act is allowed to such as should contract for the fifteen hundred thousand pounds, as by the said act, relation being thereunto had, may more fully appear.

Now, to the end that all and every person or persons, bodies politick or corporate, who have or may have, or be intituled to, any tallies and orders on any branch of the revenue, or on any aid, tax, or supply, that is, or shall be appropriated for repayment and satisfaction thereof, may not be under any necessity when such tallies and orders come in course of payment, to accept or take against their own voluntary consent or good liking the satisfaction thereof in such bills as aforesaid, which are issued by virtue of the said acts, or either of them, and that ready money may be provided for exchanging the same; and in pursuance of the acts of parliament aforesaid, the several and respective persons who have subscribed and written their names and sirnames to these presents, for and in consideration of the interest and reward hereafter in these presents agreed to be paid and allowed, and for the publick benefit and advantage of commerce; and for other good causes and considerations them severally in this behalf moving, do severally and respectively, and not one for the other, promise, contract, and agree to, and with the Right Honourable Charles Montague, Esq., Sir Stephen Fox, Knight, John Smith, Esq., Sir Thomas Littleton, Baronet, and Thomas Pelham, Esq., his majesty's commissioners of the treasury, and to and with every of them by these presents, that each and every of the subscribers hereunto, shall and will pay, or cause to be paid, to such trustees as are herein after-mentioned, the sum or sums so by him, her, or them respectively subscribed, at such times, and in such proportions, as the said commissioners of his majesty's treasury, or the high treasurer, or commissioners of the treasury, for the time being shall require the same, by publick notice to be, from time to time, given by writing, to be affixed in the receipt of the exchequer, to wit, in the office of the chamberlain there, and by a signification thereof to be given from time to time in the gazettes; which notice and signification so to be given, shall, from time to time, allow fourteen days time at least, after the giving thereof, for making of each payment.

Provided also, That it is hereby promised, contracted, and agreed unto, that the said respective persons whose names are hereunto put as aforesaid, shall and will advance, and pay in milled money or guineas, unto Francis Eyles, Esq., Sir Theodore Jansseu, Mordecai Abbot, Gilbert Heathcoat, William Sedgwick, George Doddington, Esquires, Sir James Bateman, Sir Henry Furnese, and Sir Joseph Herne, Knights, trustees in this behalf, or any seven or more of them, one full fourth part of the several and respective sums of money, which all and every such person and persons respectively have written against his, her, or their names upon this present indenture, within fourteen days after notice shall be given by the said commissioners of the treasury, or high treasurer, for the time being; so as such notice for payment of the first fourth part upon this new subscription be not given before the eight and twentieth day of April, one

thousand six hundred and ninety-nine, being the time of the determination of a former subscription, pursuant to a contract made between the commissioners of the treasury and several persons, bearing date the twenty-eighth day of April, one thousand six hundred and ninety-eight; as by the said contract, relation being thereunto had, may more fully appear; which fourth part shall be kept at the office appointed for that purpose near the Exchequer, in the custody and under the management of the said trustees, who are likewise nominated on the behalf of his majesty and the said contractors, and shall be applicable to the exchanging the said exchequer-bills, as well those for twelve hundred thousand pounds, as those for fifteen hundred thousand pounds, in manner as is hereafter expressed.

And it is hereby further declared, consented to, and agreed upon by the said contractors, and every of them for himself only, and not the one for the other, That all and every the person and persons who have hereunto subscribed, shall and will from time to time, after payment of the first part, advance and pay into the hands of the said trustees, such further sums in milled money or guineas as the said commissioners of the treasury, or high treasurer for the time being, shall require to be advanced, on such notice to be given as aforesaid, either in further part, or in full of their respective subscription.

Provided, that as any part of the money subscribed shall be required and paid for exchanging the said bills, the bills that shall be exchanged therewithal, as well in respect to the first payment as aforesaid, as in respect to the after-payments, shall and may immediately be delivered out to such subscriber, or contractor, from time to time, according to the sum or sums so by them respectively paid, in part or in full of their said subscriptions respectively, immediately, and at the same time, as such payments, in part or in full, shall be by each of the said contractors made.

And it is hereby further declared, consented, and agreed unto by the said contractors, and every of them, for himself only, and not the one for the other, That in case any such contractor shall fail in paying to the said trustees for the purposes aforesaid, any sum or sums of money, which he or they do respectively hereby undertake to advance by these presents, contrary to the true intent and meaning thereof, that then the reward or allowance herein after mentioned shall be forfeited, and go to the use of the rest of the contractors, they paying the part which such contractor should or ought to have paid in pursuance of this agreement; and in default of such payment by the rest of the contractors, then to the use of the person or persons who shall be injured or aggrievated by such non-payment, any thing herein contained to the contrary notwithstanding: To which intent and purpose it is hereby covenanted and agreed, by and between the parties to these presents, That the said interest or allowance, as is herein after mentioned, shall be and remain in the custody of the trustees, to be delivered to the said subscribers respectively upon the last payment of the sums by them respectively subscribed, and not before.

And the said trustees so appointed, shall, from time to time, duly apply, issue, and pay, or cause to be applied, issued, and paid the money which shall be so advanced or paid into their hands, to and for the satisfaction of such tallies and orders as aforesaid, which shall from time to time be in course of payment; which such trustees shall faithfully do and perform in all cases where any of the said bills shall be actually brought into the Exchequer instead of money, for payment of such tallies and orders, and that the owners thereof shall see that the money so advanced by the said contractors, shall be by the said trustees applied, issued, or paid, to or for satisfaction of tallies or orders as aforesaid, they the said trustees will receive, and take into their custody, the said bills of credit, which would have been applicable to the repayment of such tallies and orders, in case the owners thereof would have accepted the same; so that the said trustees shall not depart with any of the said money paid in by the said contractors, with-

out receiving at the same time bills of credit, part of those for any sum not exceeding fifteen hundred thousand pounds, or part of those for any sum not exceeding twelve hundred thousand pounds, authorised to be made forth as aforesaid, to the value of all and every the sum and sums of money paid in by the said contractors, which the said trustees shall so apply, issue, or pay, or cause to be issued, applied, and paid, to and for the satisfaction of the said tallies or orders.

And that the said trustees shall from time to time keep, or cause to be kept, fair and just accompts in writing of all their receipts, payments, and doings, in execution of the trust so reposed in them, which shall be liable to the view and inspection of the said commissioners of the treasury, or high treasurer, for the time being, and of all and every the said contractor or contractors, and of any person or persons having tallies or orders of loan on any funds or revenue whatsoever: And in case of the death or failure of any of the said trustees, the said commissioners of the treasury, or high treasurer, for the time being, shall forthwith name and appoint some other person or persons to be a trustee or trustees, instead of the person or persons dying or failing as aforesaid.

And the said Charles Montague, Sir Stephen Fox, John Smith, Sir Thomas Littleton, and Thomas Pelham, do, on his majesty's behalf, promise and agree to, and with the said contractors, and every of them, by these presents, that they the said contractors, and every of them, duly complying with their payments, and performing their covenants in these presents contained respectively, shall have and receive a reward and allowance after the rate of three pounds per cent. per annum, for the whole sum so by every contractor written upon these presents, from the twenty-eighth day of April, one thousand six hundred ninety-nine, for so long time as he, she, or they shall be liable to answer any part of the sum or sums subscribed by him, her, or them respectively, in manner as is before expressed: And if all the money subscribed shall be required from the said contractors in less than a year's time, or that there shall not be occasion for using or employing the money by them subscribed, or some part thereof, for so long time, the said contractors shall nevertheless be entitled to, and shall have and receive, one whole year's interest, after the rate of three pounds per cent. per annum, for the sums by them respectively subscribed; any thing therein contained to the contrary notwithstanding.

And the said commissioners of the treasury do further promise and agree, to and with the said contractors, That so soon as the first fourth part shall be advanced by the said subscribers, they, the said commissioners of the treasury, shall deliver, or cause to be delivered, into the hands of the said trustees, the desirous instead of such bills, to receive their payment and satisfaction of or for such tallies or orders in milled money of guineas: And in all cases where premium or allowance of three pounds per cent. of the full value of such subscriptions, which said allowance or premium of three pounds per cent. shall be paid over to the said contractors respectively, upon payment of the last part of the money by them respectively subscribed, or other determination of these presents, as aforesaid.

And it is hereby further declared, consented, and agreed unto, by and between the said commissioners of his majesty's treasury, and the respective contractors undernamed, That the whole charge, as well of executing the said trust as of executing the powers of such trustees as aforesaid, shall be borne and defrayed by his majesty.

Dated at the Treasury-Chamber, the first day of February, in the tenth year of the reign of his majesty William the Third, by the grace of God, King England, Scotland, France, and Ireland, Defender of the Faith, &c. *ann. Dom.* one thousand six hundred ninety eight.

The Settlement of the Land-Bank. Established Anno Dom. 1695. *With an Abstract thereof annexed.*

"The scheme of a national bank, like those of Amsterdam and Genoa, had been recommended to the ministry as an excellent institution, as well for the credit and security of the government as for the increase of trade and circulation. One scheme was invented by Dr Hugh Chamberlain, proposing the circulation of tickets on land-security; but William Paterson was author of that which was carried into execution, by the interest of Michael Godfrey and other active projectors. The scheme was founded on the notion of a transferable fund, and a circulation by bill on the credit of a large capital. Forty merchants subscribed to the amount of five hundred thousand pounds as a fund of ready money, to circulate one million at eight per cent. to be lent to the government; and even this fund of money bore the same interest. When it was properly digested in the cabinet, and a majority in parliament secured for its reception, the undertakers for the court introduced it into the House of Commons, and expatiated upon the natural advantages that would accrue from such a measure. They said it would rescue the nation out of the hands of extortioners and usurers, lower interest, raise the value of land, revive and establish public credit, extend circulation, consequently improve commerce, facilitate the annual supplies, and connect the people the more closely with the government. The project was violently opposed by a strong party, who affirmed that it would become a monopoly, and engross the whole money of the kingdom; that as it must infallibly be subservient to government-views, it might be applied to the worst purposes of arbitrary power; that instead of assisting, it would weaken commerce, by tempting people to withdraw their money from trade, and employ it in stock-jobbing; that it would produce a swarm of brokers and jobbers to prey upon their fellow-creatures, encourage fraud and gaming, and further corrupt the morals of the nation. Notwithstanding these objections, the bill made its way through the two houses, establishing the funds for the security and advantage of the subscribers; empowering their majesties to incorporate them by the name of the Governor and Company of the Bank of England, under a proviso, that at any time after the first day of August, in the year 1705, upon a year's notice, and the repayment of twelve hundred thousand pounds, the said corporation should cease and determine. The bill likewise contained clauses of appropriation for the service of the public. The whole subscription was filled in ten days after its being open; and the court of directors completed the payment before the expiration of the time prescribed by the act, although they did not call in more than 720,000*l.* of the money subscribed."—SMOLLETT'S *History of England,* London, 1800-8, I. 217.

To all whom these presents shall come; The Right Honourable Thomas, Lord Jermyn, Baron of Bury; Sir Thomas Mompesson, of Bathampton, in the county of Wilts, Knight; Sir Charles Hedges, Knight, Doctor of Laws, Judge of the High Court of Admiralty; Sir Leonard Robinson, Knight, Chamberlain of the city of London; Philip Foley, of Prestwood, in the county of Stafford, Esq.; Nicholas Barbon, of Osterly, in the county of Middlesex, Esq.; Richard Dalton, of the parish of St James, Westminster, Esq.; Thomas Taylor, of Clapham, in the county of Surry, Esq.; Mordecai Abbott, of the parish of St Ann, Westminster, Esq.; Michael Noble and James Hooper, of the Middle-Temple, London, Esquires; William Milman, of the

Inner Temple, Gent.; Thomas Sutton, of Kensington, in the county of Middlesex, Gent.; Thomas Gratwick, Joseph Thomson, Thomas Trench, and Nehemiah Lyde, of London, Merchants; Edward Harley and John Asgill, of the Middle Temple, aforesaid, Esquires; Robert Breedon, of the parish of St Martin's in the Fields, in the county of Middlesex, Gent.; and Francis Chapman, of the parish of St Martin's in the Fields, in the county of Middlesex, Gent; (being persons elected by the subscribers of the stock of monies herein after mentioned, to be the present trustees and managers of the Land- Bank, hereby established; and to seal and execute these presents, as the settlement of the said bank and of the said stock of monies thereunto annexed) send greeting.

Whereas, Divers attempts have been made, as well heretofore as of late, for ascertaining the titles of lands, and making the security thereof to be a current credit for supplying the use of monies; all which have hitherto proved ineffectual, by reason of the many difficulties and inconveniences which seem to arise in the settlement and practice thereof. Preamble.

And whereas, It is found by experience, that bills or notes of credit, given out upon the fund or security of perpetual interest (redeemable), are accepted and taken as ready money, and are preferable to money in specie. Nature of banks.

And whereas, The persons who have hitherto established such funds of credit, being merchants and other traders, have diverted the credit of their funds from lending monies on land, whereby the securities on land (although most certain and durable) are rendered more difficult to be supplied, to the great prejudice of many persons whose estates are in land.

And whereas, It is evident that if the lands and rents of England were settled in such manner that bills of credit or charge might be issued out upon the security thereof, in greater or lesser sums, with an interest perpetually running upon such bills, until redemption of the lands on which the same are secured; and that each person accepting such bills were equally secured, without any preference to the date or day of signing or issuing out of such bills; and that a stock of ready monies were raised for the discounting such bills to all persons who shall accept the same, and have occasion for the monies secured thereon; that such bills would be accepted and taken as ready monies, and would be preferable to money in specie, and more especially if a fund of insurance were raised and settled, as a collateral security to all persons who shall accept and take such bills in payments, or shall lend monies on security thereof.

And whereas, It is conceived that the most effectual way for settling of lands for the purposes aforesaid, will be by conveying the legal estates thereof unto trustees, and preserving and continuing the same in them, and dividing the values thereof into greater or lesser sums, and making such values assignable and re-assignable in register-books in manner as is herein after mentioned, and giving power unto such trustees to issue out bills of charge on security of the said values, in manner as is herein after mentioned. The manner of the settlement.

And whereas, In order to settle such a trust, it is convenient there should be an establishment of trustees, who may and will from time to time take conveyances, and make re-conveyances of the legal estates of the said lands, and take assignments, and make re-assignments of the equitable interests of such estates, and may charge and discharge the same in manner as is herein after mentioned.

Now, for effecting all and every the premises, (as well for the present relief and redemption, as for the future support and maintenance of the dignities, estates, and families of the owners of the lands in England)

These presents witness, and the said Thomas Lord Jermyn Sir Thomas Mompesson, Sir Charles Hedges, Sir Leonard Robinson, Philip Foley, Nicolas Barbon, Richard Dalton, Thomas Taylor, Mordecai Abbott, Michael Nobl , James Hooper, William Milman, Thomas Sutton, Thomas Gratwick, Joseph Thomson, Thomas French, Ne- Declarative.

hemiah Lyde, Edward Harley, John Asgill, Robert Breedon, and Francis Chapman, do hereby declare, That on, or before, the thirtieth of August, *anno Dom.* 1695, they will provide and set up in, or near, the city of London, an office or place for auditing the values, and registering and assigning the titles of lands, in order to raise a current credit thereon in manner as is herein after mentioned, with two chief officers thereof, viz. an auditor, with surveyor under him, and a register, with examiners, accountants, and entering clerks under him, which said office shall be called *The Office of the Land-Bank, established Anno Dom.* 1695. To which said office shall be annexed one or more places of receipts and payments for issuing out and paying such bills of credit or charge as aforesaid, which shall be esteemed and called *The Receipts of the said Office.*

The form of the office.

And the said Thomas Lord Jermyn, Sir Thomas Mompesson, Sir Charles Hodges, Sir Leonard Robinson, Philip Foley, Nicolas Barbon, Richard Dalton, Thomas Taylor, Mordecai Abbott, Michael Noble, James Hooper, William Milman, Thomas Sutton, Thomas Gratwick, Joseph Thomson, Thomas Trench, Nehemiah Lyde, Edward Harley, John Asgill, Robert Breedon, and Francis Chapman, for themselves, and the trustees and managers for the time being, to be from time to time elected, in manner as is herein aftermentioned, do hereby publish and declare, That they do hereby assume, and will from time to time, for ever, accept and take upon them the common or general title, name, or addition, of *Trustees and Managers of the Land-Bank, established Anno Dom.* 1695. And in all deeds and writings, and other matters and things relating to the trust aforesaid, shall and will from time to time, for ever, write and own themselves by or with the name or addition aforesaid.

Common name of the trustees.

The trustees will accept conveyances of lands.

And that they the said trustees and managers, and the trustees and managers of the said bank for the time being, shall and will from time to time, for ever, be ready to accept and take unto themselves, or some of them, by their several proper names, with the addition of their assumed name as aforesaid, or to some person or persons in trust for them, as trustees and managers aforesaid, conveyances or assignments of any manors, lands, tenements, rents, or hereditaments, in fee or leasehold estates, or other annual interests or payments upon the several trusts and conditions thereof herein after mentioned, the titles and conveyances of which said lands shall be approved and made by the said trustees and managers for the time being, or their council.

Names of the settlement, which is intended to be a general declaration of trust for all lands to be conveyed, pursuant thereunto.

And for preventing prolix repetitions of the said trust in every respective conveyance, it is hereby declared, That for the better and more ready referring unto these presents, and the trusts and conditions therein mentioned, these presents shall be inrolled in the High Court of Chancery, and shall from time to time, for ever, be deemed, called, and known, referred unto, and distinguished, by the common or general title, distinction, or designation, of *The Settlement of the Land-Bank inrolled in Chancery, Anno Dom.* 1695. *Sealed by the Right Honourable Thomas Lord Jermyn, Baron of Bury, and other Trustees and Managers therein named.* And that all and every the manors, lands, tenements, rents, and hereditaments, and leasehold estates, or other interests or payments, which shall from time to time, for ever, be conveyed in manner as aforesaid unto the said trustees and managers for the time being, by their several proper names, with additions of their assumed names as aforesaid, or to any of them, or any other persons, trustees or managers for the time being, or to any persons in trust for them, as trustees and managers as aforesaid, upon and under the several trusts and conditions; and to the several intents and purposes declared, mentioned, and contained in the settlement of the Land-Bank inrolled in Chancery, *anno Dom.* 1695, sealed by the Right Honourable Thomas Lord Jermyn, Baron of Bury, and other trustees and managers therein named, shall from time to time, for ever, (without more saying, repeating, or referring unto) severally and respectively continue, remain, and be; and they the said trustees and managers for the time being, and all persons seized or possessed in trust for them, to whom any lands or estates shall be so conveyed, shall

from time to time, for ever, stand and be seized and possessed thereof, upon and under the several trusts and conditions, and to the several intents and purposes herein after particularly expressed, limited, and declared, as fully and amply, to all intents and purposes, as if all and every the said trusts and conditions were fully and particularly expressed, repeated, limited, and declared in every such conveyance, (that is to say,)

That the legal estates shall attend the equitable estates.

Upon trust and confidence, and to the intent and purpose that the said several legal estates of the said lands, rents, or other interests so to be conveyed, shall, from time to time, for ever, continue in the several persons to whom the same shall be conveyed as trustees thereof, their several heirs, executors, administrators, and assigns upon trust, to attend and go along with the several and respective equitable interests therein, for the use and benefit of the persons from time to time, having credit for the same, and right and title thereunto in the several register books, in manner as is herein after mentioned. And that such legal or equitable interests shall not from thenceforth be subject unto, or chargeable with any debts or incumbrances, other than what shall be charged thereon, in manner and form as is herein after-mentioned, (that is to say,)

Divisions of the equitable interests.

And upon further trust and confidence, and to the intent and purpose that the several equitable interests of such legal estates so to be conveyed, shall be divided into, and distinguished by two several terms or denominations, one whereof being intended to be three parts in four of the whole value of the said lands, rents, or other interests (shall, for the reasons herein after-mentioned,) be called *The Values of the Register;* and the other (being intended to be the other fourth part of such whole value) shall be called *The Equities of Redemption:* And that such values of the register shall be divisible into greater or lesser sums of thousands, hundreds, fifties, &c.; and that each one hundred pounds of such value of the register shall be esteemed and taken as a security for one hundred pounds principal money, and interest secured on the lands, to which such values shall relate by books and numbers, in manner as is herein after-mentioned, and so proportionable for every greater or less values of the register.

Equitable interest assignable in register books.

And that such equitable interests, as well values of the register as equities of redemption, and the right and title thereunto, shall be severally transferable and assignable in the several register books, and in manner also as is herein after mentioned, and not otherwise: And that such values of the register being transferred unto the said trustees and managers for the time being, by their common name aforesaid, shall be chargeable by them, in and by their said common names, in manner also as is herein after-mentioned.

Lands to be valued.

And it is hereby declared, That when such conveyances shall be executed, the auditor, for the time being, (by warrant of the trustees and manager for the time being, in writing, and not otherwise,) shall adjust the whole value of the lands so conveyed at such values thereof as shall be expressed in the said warrant, and shall sign such valuation in the margen of the said conveyance, and of the counter-part thereof in like form, as followeth, (viz.) "By warrant of the trustees and managers of the land bank, established *anno dom.* 1695. I adjust the whole value of the lands hereby conveyed, at two thousand pounds, A. B. auditor;" which valuation shall be called *The Value of the Auditor;* and then the register for the time being shall reduce such adjusted values to three parts in four of such value of the auditor in like form as followeth, that is to say, "I reduce the value of the auditor to fifteen hundred pounds, C. D. register;" which said reduced value shall be called *The Value of the Register;* and shall, and is hereby intended and declared to be a limitation to the trustees and managers for the time being, to restrain them from lending monies, or issuing out bills of charge on security of the said lands for any greater sum of money than such reduced values of the register.

Values reduced by the register.

Conveyances to be entered in register books.

And after such conveyances so executed, and the values thereof adjusted and reduced, the same shall be severally entered in register books, or books of entry, to be kept

by the said register for that purpose. And for the ease and dispatch of business of the said office, and that several clerks may be employed at the same time in entering such conveyances, the said register shall provide and keep several such books of entry in the said office, each of which (for the better referring thereunto) shall be lettered and indorsed with one of the four and twenty letters of the alphabet; and when twenty-four such books shall be filled, then the succeeding books shall be indorsed A 2d, and so successively; and when such conveyances are entered, the entries thereof shall be numbered and figured in the said books, 1, 2, &c. in order as they stand so entered, and the said conveyances executed, from which such entry shall be made, together with the counterpart thereof, shall be indorsed with the letter of the book in which the same shall be entered, and with the number and figure of the entries thereof in such book.

Books lettered alphabetically.

Conveyances numbered and figured.

In case of increase or decay of values.

Provided, nevertheless, that in case of increase or decay of the values of any such estates as aforesaid, and as often as the same shall happen to increase by falling in of estates or other improvements, or shall decay by lapse or spending years, (in case the same be terms or leasehold estates,) or any other deficiencies in the values of any of the said lands, the said auditor and register (by like warrant of the said trustees and managers in writing, as aforesaid) shall, and may from time to time, augment or reduce such values, according to the increase or decay thereof, and sign such augmentation or reduction in the margent of the said conveyance, and of the entry and counterpart thereof.

Provided, that such value of the register be never augmented to more than three parts in four of the whole values of the lands, as aforesaid; and so that by reducing of such values no prejudice happen to any person then having money or bills of charge on security thereof, in manner as is herein after-mentioned.

The form of entering the credit in the register-books.

And after such entries, the said register, by his accountant in another register, or ledger-book, to be kept for that purpose, which shall be called *The Value Ledger*, shall give the rightful owner of the said lands, rents, or estates, credit for such reduced values, in form following, or to the like effect, viz. "Cr. A. B. for fifteen hundred pounds value of the register, secured on the lands, rents, and estates, entered in *libro*, A No. 1." And in another register or ledger-book, to be kept for that purpose, and to be called *The Purchase Ledger*. The said register, by his accountant, shall give such rightful owner of the said lands, rents, or other interests, credit for the equities of redemption thereof, in form following, or to the like effect, viz. "A. B. creditor for the equity of redemption of the lands, rents, and estates, entered in *libro* A No. 1."

Form of transferring the credit.

And for the transferring the credit of the said values, and the right and title thereunto, from one to another, the said register shall keep in his office another register book for that purpose, which (for the reasons herein after-mentioned) shall be called *The Voucher Book*, belonging to the value ledger; and when the trustees and managers for the time being, shall lend any money to the owners of any lands, rents, or estates, so conveyed, the said trustees and managers shall accept and take a transfer of the credit of the values of the register of such lands, rents, or estates, for security of the said money so lent by them; which said transfer shall be made by virtue of a warrant for that purpose, to be entered in the said voucher book, and signed by such owner of the said lands, rents, or estates, (or some person by him thereunto authorised by writing under hand and seal,) in like form as followeth, (viz.) "Let the register transfer the credit of one hundred pounds value of the register, secured upon the lands, rents, and estates, entered in *libro* A. No. 1, unto the trustees and managers of the land bank, established *anno Dom.* 1695, for security of one hundred pounds, and interest at the rate of per cent. per annum, payable quarterly, or interest at the rate of per cent. per annum, payable half yearly at the election of the owners of the said lands, rents, or estates, A. B."

Re-transfer of the credit.

And when the owners of the said lands shall pay off and dis-

charge such monies so borrowed, the credit of the said values so paid off and discharged, shall, by warrant of the said trustees and managers in writing, be transferred from the said trustees and managers to the owners of the said lands, paying the same.

And whereas, in order to enable the said trustees and managers from time to time to advance and lend monies to the owners of such lands, rents, or estates, on the securities of such values of the register, it is necessary that the said trustees and managers should have a power and settled constitution for charging the said values of the register, on which they shall lend monies as aforesaid, with payment of the like sums to any other persons who will lend or pay in monies on security thereof.

Power to the trustees and managers to issue out bills.

Now it is hereby declared, That the further trust of the said lands, rents, and estates, and of the values thereof, so to be conveyed and transferred unto the said trustees and managers, shall be to the intent that the said trustees for the time being, by their common name as aforesaid, without naming their proper names, may, from time to time, charge the said values, the credit whereof shall be so transferred to them, with any sum or sums of money not exceeding the sum by them lent or advanced on such values so transferred to them, and interest for the same (or without;) and that such charges shall be made by bills of charge, to be given out by the said trustees and managers, or their order, in or by their common or assumed name, without naming their proper names in form as followeth, or to the like effect, (viz.) "This bill, pursuant to the settlement of the Land-Bank, enrolled in Chancery, *anno Dom.* 1695, doth charge one hundred pounds value of the register, secured upon the lands, rents, and estates, entered in *libro* A. No. 1. and the stock of monies and funds of insurance annexed to the said bank, with payment of one hundred pounds, and interest, &c. (or without interest) to A. B. &c. By order of the trustees and managers."

Form of the bills.

How the bills shall be given out.

And it is hereby declared, that such transfers and retransfers of the credit of the said values of the register from time to time, made to and by the said trustees and managers for the time being; and such bills of charge to be given out by them or their order, as aforesaid, shall from time to time be made, done, and attested by such person and persons, and in such way and manner as the said trustees and managers for the time being shall from time to time appoint, by the methods and constitutions of their said office; and that all and every such transfers and charges, according to the several tenors and contents thereof, shall be good and effectual, to and for the intents and purposes herein mentioned.

Transferring the credit on sale of lands.

And for transferring the credit of the several equities of redemption of the said lands, rents, and estates from one to another (upon sale or purchase of the said lands or estates, or otherwise) the register shall provide and keep another register or voucher-book, to be called the voucher-book belonging to the purchase-ledger.

And it is hereby declared, That the credit of such equities of redemption, shall be transferable by virtue of a warrant for that purpose, to be entered in the said last-mentioned voucher-book, and signed by the owner of such equity of redemption, (having credit for the same in the same purchase-ledger,) in like form as followeth, viz. "Let the register transfer the credit of my equity of redemption to the lands, and estates, entered in *libro*, A. No. 1. unto C. D. his heirs and assigns."

And it is hereby declared, That such transfers or assignments of the equitable interests aforesaid, as well of the said values of the register, as of the equities of redemption, and the credit thereof, and of the right and title thereunto as aforesaid, and such bills of charge to be from time to time given out thereupon in manner as aforesaid, shall be good and effectual for conveying, assigning, and charging all and every the equitable interests as aforesaid, as long as the legal estates to which such equitable interests shall belong, continue and remain in the said trustees and managers, or any person in trust for them.

Titles and descents of the equities of redemption.

And for settling the titles and descents of such equitable interests, as well of the said values of the register as of the equities of redemption, it is hereby declared, That as to all and every such values of the register, and the equities of redemption, for which the owners of the said lands, rents, and estates, shall from time to time have credit as aforesaid, such owners of the said lands shall be and be esteemed the *cestiqui* trust thereof, and the same shall descend, and go and be devised and devisable in the same manner as trusts or equities of redemption of the same lands or estates, mortgaged in common form by the rules of law and equity, should descend and go, and shall be severally assignable and transferrable by, or by warrants of, such descendants or devises thereof or other persons having right thereunto, as aforesaid, subject nevertheless to the charges thereupon by virtue of these presents.

What a purchase shall have.

And it is hereby declared, That an assignment of the credit of the equity of redemption, shall be an assignment of such, and so much of the values of the register belonging to such equities of redemption, as shall not be then transferred to the said trustees and managers; and that the register by his accomptant shall thereupon transfer the credit of such values of the register from the person assigning such equity of redemption, to the assignee thereof, subject nevertheless to all the charges thereupon made according to the intent of these presents.

How the values transferred to the trustees shall descend.

And as to such values of the register, for which the said trustees and managers shall from time to time have credit in the said ledger-book for that purpose, in their common name as aforesaid, the same shall from time to time for ever lodge and vest, and be lodged and vested in the said trustees and managers for the time being, by virtue of their election into the trust and management aforesaid without any actual transfer or assignment to be made thereof from the present trustees and managers, to the trustees and managers for the time being for ever, by their common assumed name as aforesaid without naming their proper.

Declaration of the trust of the lands settled.

And it is hereby declared, That the said trustees and managers for the time being, and all person or persons to be from time to time seized or possessed of any lands or estates in trust for them as trustees and managers as aforesaid, their several heirs, executors, administrators, and assigns respectively, shall from time to time for ever, stand

In trust for the persons having the equitable interests.

seized and possessed of all and every such lands, rents, or estates so to be conveyed or assigned unto them as aforesaid, in trust for all and every the persons having from time to time the several and respective equitable interests therein, or the bills of charge thereon in manner as aforesaid, severally and respectively, according to their several rights and titles thereunto, by the several declarations of trust aforesaid, and the subsequent declarations of trust thereof herein after mentioned (that is to say) for paying

For payment of the monies lent thereon.

and satisfying unto the said trustees and managers for the time being, the several sums of one hundred pounds principal money for every one hundred pounds value of the register, from which they shall from time to time have credit in the said value ledger, by virtue of such warrants as aforesaid, together with such quarterly or half yearly interest for the same as shall be expressed and warranted by the said voucher-books in manner as aforesaid; the said interest to be from time to time for ever, until redemption of the said lands, paid and payable every year quarterly, or half-yearly, at the election of the respective owners of the said lands or rents, pursuant to the tenors and contents of the particular warrants in the said voucher-books for that purpose, the said payments to be made by the owners of the lands, rents, or estates, to the conveyances whereof such values shall refer by the books and numbers as aforesaid, and so proportionable for every greater or less sum, or value, than 100*l.* the credit whereof shall be so transferred, which said principal and interest monies shall be from time to time paid

Interest perpetual until redemption.

and payable at any one of the receipts of the said office as aforesaid; and the quarter or half-yearly days of payment of the interest as aforesaid, shall be ascertained by the

date of the warrant for transferring the credit of such value as aforesaid, accounting three kalendar months to each quarter, and six kalendar months to each half-year, the first payment thereof to be made on such of the said quarter or half-yearly days as shall next happen after the date of such warrant; and all the said payments to be from time to time for ever made without deduction for taxes, by parliament or other rates, charges, or taxes whatsoever.

Interest perpetual until redemption.

And upon trust that such rightful owner of the said lands, (having from time to time credit for the equity of redemption thereof in manner as aforesaid,) from time to time for ever, until the redemption of the said lands, by payment of the principal monies secured thereon in manner as is herein after-mentioned, shall for all such values of the register so to be transferred to the trustees and managers, pay unto the said trustees and managers for the time being, at some or one of the receipts of their said office as aforesaid, such quarterly or half-yearly interest as shall be from time to time for that purpose expressed and set down in the warrants signed in the said voucher's book belonging to the value ledger, by quarterly or half-yearly payments for ever, in manner as aforesaid: And that if any the said quarter interest to be from time to time specified and made payable by such warrants in the said voucher-books, shall be at any time unpaid by the space of thirty days next after the same shall become due, that in case it shall be construed and intended, that the owner of such lands, so failing to pay such quarterly interest, hath for that time to turn, only made his election to pay the half-yearly interest expressed in such warrants.

Interest not to exceed.

And it is hereby declared, That such quarterly interest shall never exceed the rate of 3*l.* 10*s.* per cent. per annum, and that such half-yearly interest shall never exceed the rate of 4*l.* per cent. per annum.

The trust of the values transferred to the trustees.

And it is hereby declared, That such respective values of the register so to be transferred unto the said trustees and managers for the time being, shall from time to time for ever, until the redemption of the said lands by the owners thereof in manner as is here respectively, continue, remain, and be: And they the said trustees and managers for the time being until such redemption as aforesaid shall stand possessed of, and creditors for all and every such values respectively, for which they shall have credit as aforesaid.

First trust for payment of the bills.

In trust, in the first place for paying and satisfying all and every the respective bills of charge, and the interest thereof to be from time to time given out by them, upon the respective securities of such values to which such bills shall relate by books and numbers as aforesaid equally and alike one with the other, without preferring any bill given out upon the security of any of the said respective lands, before any other bills given out upon the same lands, in respect of the date or issuing out such bills. And until such bills shall be charged thereon, and after payment and satisfaction of the said bills in trust for the owners of the stock of monies herein after-mentioned and settled, for circulating the credit of the said bank, having from time to time credit for such stock in manner as is herein after mentioned, proportionable to the credit of each person therein.

May settle the equities of redemption in register-books.

And whereas the owners of lands, conveyed as aforesaid, may have occasion to assign or transfer the equities of redemption of their said lands to persons in trust, in order to make settlements or securities thereof, or otherwise to subject or charge the same in their own hands, it is hereby declared, That the register, for the time being, shall provide and keep another register-book, to be stiled, "The Book for declaring the Trusts of the Equities of Redemption." And it is hereby declared, That such equities of redemption shall, from time to time, continue subject and liable to such declarations of trusts, settlements, or other charges to be made of, for, and concerning the same in the last-mentioned books.

Explanatory clause that the equities of redemption shall be liable to the monies borrowed.

Provided always nevertheless, and for the better and further explaining the true intent and meaning of this settlement, and all and every the clauses thereof, it is hereby declared, That the division of the equi able interest into the several terms, and transferring the same in several register-books as aforesaid, shall not be construed, or intended, to discharge the fourth part of the whole value of the said lands, rents, or other estates herein before termed the equities of redemption for being securities, together with the said other three parts, termed the values of the register for all monies mentioned to be lent on securities of such values of the register, until the redemption thereof as aforesaid. But that such equities of redemption, in whose hands soever the same shall come by transfers of the credit thereof as aforesaid, or however the same shall be settled as aforesaid, shall, notwithstanding in the first place, continue and be subject and liable unto all and every such debts and charges as shall from time to time be charged on the values of the register to which such equities shall belong; any thing herein before contained to the contrary thereof notwithstanding.

References by books and numbers shall charge the lands.

And it is hereby declared, That all and every the references and distinctions herein before formed, and made by books, numbers, and figures as aforesaid, shall be as good and effectual for the description of lands, and charging the same, and declaring the trusts thereof as aforesaid, as if the said lands so referred unto were particularly named and described in every respective transfer-bill of charge or declaration of trust aforesaid.

When the principal shall be payable.

And whereas, for the maintenance and support of the credit of the said bank, it is necessary, that the trustees and managers thereof should have a power for demanding and recovering their said principal monies, upon reasonable notice to be given by them.

Now it is hereby declared and provided, That in case the said half-yearly interest growing due from the owners of the equity of redemption of any lands as aforesaid, shall be behind for the space of six months next after the same shall become due; or in case, after the said trustees and managers for the time being shall at any time, by such notice as is herein after mentioned, demand the payment in of the principal money and interest, secured on the lands or estates as aforesaid, the same shall be behind for the space of one year next after such demand, that in either of the said cases the said trustees and managers, or the persons seized or possessed in trust for them, shall and may have and take such usual remedy at law, and in equity, recovering the said principal and interest monies so behind and unpaid, as mortgages of lands mortgaged in common form may lawfully take, for recovery of their principal and interest monies after the days of payment thereof are elapsed. Provided nevertheless, that nothing herein contained shall be intended to debar or hinder the said trustees and managers, if they shall see cause, from taking any due course for recovering their said monies.

Owners of lands may pay in monies on demands.

And for the ease and conveniency of all persons who shall borrow monies of the said trustees and managers as aforesaid, it is hereby declared, That the said trustees and managers for the time being, at any time on demand made to them or their register for the time being at the said office, shall take in and receive all or any part of the principal monies (not being less at one time than one hundred pounds, part of a greater sum;) and the interest thereof then due and secured on any values of the register transferred to them as aforesaid: And thereupon, and upon return of the bills of charge issued out on security of such values, shall re-transfer the credit of such values so redeemed to the owners of the lands discharging the same: And until return of such bills shall allow a rebate of interest for such values so to be discharged: And in case of refusal to accept and take such monies, the interest from thenceforth to grow due to the said trustees and managers in respect of such values so tendered, to be discharged, shall cease.

Interest in the bills payable every six months.

And for the due and regular payment of the interest-monies from time to time growing due on the bills of charge as aforesaid, and for the better preventing of the counterfeiting such bills, as also for the returning the said bills into the said office, upon the redemption of the values on which such bills shall be charged as aforesaid, it is hereby declared, That the interest running on the said bills shall be paid and payable every six kalendar months, according to the dates of the several bills: And in case the persons having any such bills shall not bring the same to the said trustees and managers, some or one of them at the receipts of their said office, or to any one of their county receivers, in order to receive the interest due thereon within thirty days next after such interest shall from time to time become due, the interest to grow due on such bills from the end of the said thirty days until the bringing in the said bills shall cease.

Interest on the bills ceases, if not demanded in 30 days.

How the bills shall be returned on redemption of the values.

And when notice shall be given for redemption of any values, as aforesaid, the trustees and managers shall, in their monthly account, give notice for their receivers to retake in so much in bills, secured on the said values, by paying and discharging such bills as the same shall come to their hands, either in money, in specie, or in other bills, in exchange for the said bills so to be discharged, and to return the said bills so to be discharged to the trustees and managers for the time being, who, upon return thereof, shall deliver the said bills cancelled to the owners of the said lands, discharging the same.

All notices and demands to be by a monthly account.

And it is hereby declared, That all and every such notices and demands, and all other notices and demands to be from time to time made and given by the said trustees and managers, as aforesaid, shall be by notices and demands from time to time made and given in a monthly print, which shall be published once in every month, and shall be styled The Monthly Account of the Land-Bank, established *Anno Dom.* 1695. And that such demand for interest or principal money to be paid to the said trustees and managers for the time being, shall be in like form as followeth, viz. "The trustees and managers of the Land-Bank do demand the interest due, or the principal and interest secured on the values of the register, entered in *libro* A. No. 1." And the form of notice to the said receivers for taking in the said bills of charge, shall be in like form as followeth, viz. "The trustees and managers of the Land-Bank do order their several receivers to pay and take in the bills No. secured on the values of the register, entered in *libro* A. No. as they come to their hands, and make return thereof to the office."

No land-security for others.

Provided nevertheless, and it is hereby declared, That no particular lands or estates to be conveyed or settled as aforesaid, shall be charged or chargeable with any monies secured on any other lands, but that each estate shall be severally charged with answering the values relating thereunto only.

Owners to receive the rent of their lands till failure of payment.

Provided nevertheless, That until failure of payment of the said interest and principal monies, when demanded in manner as aforesaid, the rightful owners of the said lands having from time to time the equity of redemption thereof in manner as aforesaid, shall and may peaceably and quietly hold and enjoy the said lands, and receive and take the rents and profits thereof, without any let or disturbance of, or account to be given to the trustees and managers, or their trustees, or any of them.

The result in trust of the lands declared for the persons having credit for the equities of redemption, in the purchase ledger.

And, as for and concerning all and every the said lands, rents, and estates, so to be conveyed as aforesaid, it is hereby declared, That the same, and every of them, (subject to all and every other the trusts and conditions aforesaid), shall from time to time for ever continue, remain, and be: And they the said trustees and managers for the time being, and all persons seized and possessed in trust for them, shall from time to time for ever stand seized and possessed thereof (subject to all and every the trusts and conditions aforesaid) in trust for, and for the only use and benefit of all and every the respectful rightful owners of the said lands, having from time to time credit for the se-

veral equities of redemption thereof in the said purchase-ledger, by virtue of the original entry of such credit, or the transfer to be from time to time made thereof as aforesaid; and to or for no other uses, trusts, intents or purposes whatsoever. And that they the said trustees and managers, and all persons seized or possessed in trust for them, at any time or times, on the request, costs, and charges of such rightful owners of the said lands, and having credit for the equities of redemption thereof, as aforesaid, and having at the time of such request paid and discharged all the principal and interest monies secured on their respective lands as aforesaid; and all other charges to which the said equities of redemption shall then stand subjected in the said register-book for that purpose (if any be) shall and will convey and assign the legal estates and interests of all or any part of the said several lands, rents, or other interests, to the owners of such equity of redemption requesting the same, their heirs, executors, administrators or assigns, freed and discharged of and from all and every the trusts herein before declared.

Reconveyance of the lands on redemption.

Provided, That the said trustees and managers for the time being, and all persons seized or possessed in trust for them, their several heirs, executors, administrators and assigns, shall and may, out of the rents, issues, and profits of any of the saids lands and estates respectively, reimburse and save harmless, as well themselves, the trustees and managers for the time being, as all precedent trustees and managers, and their trustees, their several heirs, executors, administrators and assigns, of and from all costs and charges which shall or may arise or happen to them, or any of them, as trustees of the said lands as aforesaid (other than the contingent charges of the said office.)

Trustees indemnified.

Provided, That such charges shall be borne out of the rents of such lands or estates only in respect whereof such charges shall happen.

And for raising a fund of insurance for answering and making good all and every the bills of charge to be given out upon security of the said values of the register in manner as aforesaid, over and above the security of the lands on which the same shall be charged, it is hereby declared, That the said trustees and managers for the time being, shall from time to time, for ever, lay out and employ ten shillings per annum, out of the interest of every one hundred pounds by them lent as aforesaid, in the purchase of some lands, tenements, rents, or hereditaments, in fee or other perpetual payments, to be a fund of insurance for the purposes aforesaid. The further trust whereof shall be as is herein after mentioned.

Fund of insurance to secure the bills.

And whereas, in and by a subscription-book remaining in the custody of the said trustees and managers, the sum of one hundred thousand pounds is already subscribed and agreed to be raised and paid, to continue as a stock of monies in the hands of the said trustees and managers for the time being, for circulating and maintaining the credit of the said Bank, the said trustees and managers do hereby declare, That such stock shall be called, "The Stock of Monies annexed to the Land-Bank, established *Anno Dom.* 1695." And that each subscriber for every sum by him subscribed (whereof twenty pounds per cent. shall be paid down on or before the nineteenth day of October next), shall have credit given him for the same in another register or ledger book, to be kept in the said office for that purpose, and to be called the Stock-Ledger. Provided, That in case any subscriber shall fail to pay the said first payment of twenty pounds per cent. on or before the said nineteenth day of October next, that the subscription in respect whereof such twenty pounds per cent. shall be unpaid, shall be void, and the said trustees and managers may admit any other person to subscribe and pay the same.

The stock of monies to circulate the credit.

Name of the stock.

Credit given for the stocks.

Failure of first payment.

And it is hereby declared, That such stock, and the credit thereof, shall be assignable from one to another, by virtue of a warrant signed by the owner thereof in another register-book to be kept for that purpose, and to be called the Voucher-Book belonging to the Stock-Ledger, in which this settlement, or a transcript thereof, shall be

Assignment of the stock.

always entered and prefixed; and that such warrant shall be made in like form as followeth, viz. "Let the register transfer pounds of my credit in the stock of monies annexed to the Land-Bank, established *Anno Dom.* 1695, unto C. D. his executors, administrators, and assigns, subject to the trusts and conditions in the precedent settlement mentioned:" And the person to whom such stock shall be transferred, shall sign his acceptance thereof in like form as followeth, viz. "I, C. D. do accept the stock last above-mentioned, subject to the trusts and conditions aforesaid." Form of transfer. Form of acceptance.

And it is hereby declared, That the residue of the said subscription-monies, over and above the said twenty pounds per cent., shall be payable and paid at such times and proportions as the said trustees and managers for the time being shall appoint. Payment of the residue of the subscription monies.

Provided, That the persons assigning such credit, in the said stock, before the payment in of all his subscription-money, shall be discharged of the residue of his payments then due, and the assignee of the said credit, to whom the same shall be transferred; and his said stock shall be chargeable therewith, and obliged to pay the same.

And it is hereby declared, That the present trustees and managers of the said bank, herein before-named, shall continue trustees and managers thereof until the one-and-twentieth day of November, 1695, and from thenceforth until others shall be duly chosen in their stead, unless they, or either of them, shall before that time die, or be removed. How long the present trustees shall continue.

And for providing and establishing a continual succession of persons to be trustees and managers of the said bank for ever, it is hereby declared, That upon the one-and-twentieth day of November, 1695, or within six days after, and so upon every one-and-twentieth day of November then after, or within six days after such respective one and-twentieth day of November for ever, there shall be a yearly election of trustees and managers, the number whereof shall be always one-and-twenty, and no more. Succession of trustees. Time of election.

And it is hereby declared, That such trustees and managers shall be yearly elected out of the owners of the said stock by majority of votes, of such of them who shall from time to time be present at such election, each person having one thousand pounds or more credit in the said stock, being admitted to have five votes and no more; and each person having five hundred pounds, or any sum between five hundred and one thousand pounds of such credit, being admitted to have three votes and no more; and each person having three hundred pounds, or any sum between three hundred and five hundred pounds of such credit, being admitted to have two votes and no more; and each person having one hundred pounds, or any sum between one hundred and three hundred pounds of such credit, being admitted to have one vote and no more. Manner of election.

Provided that no person be capable of being elected trustee and manager, as aforesaid, who shall not at the time of the election have one thousand pounds or more credit in such stock, in his own name and right; and that on diminishing thereof, his office or place of trustee and manager shall, *ipso facto*, cease and determine. Provided also, That in all such elections (except in the said election to be made in November next) six at least of the precedent trustees and managers for the year then last past, shall be avoided, and not be capable of being chosen again till the third year then next ensuing; and in case any number of the said precedent trustees and managers above fifteen, shall have the majority of votes, then so many of them above fifteen, who had the fewest votes, shall be, and be esteemed to be avoided: and so many of the other persons qualified as aforesaid, who shall have the majority of votes next to them, shall without any other election be and be esteemed to be the trustees and managers elected with the said other fifteen. Qualification of trustees. Six yearly removed.

And it is hereby declared, That the said trustees and managers for the time being, shall give notice this present year, and so yearly for ever, of the day and place of election in their said monthly account, to be published in the first week in November yearly; Notice of election.

In default of notice.

and in default thereof, the persons qualified for electors, as aforesaid, or such of them as shall think fit, shall and may assemble together at the said office, upon the said one and twentieth day of November yearly, unless the same be a Sunday, and in such case, on the next day after; and then and there by such majority of votes, as aforesaid, make such elections as aforesaid.

In case of death or avoidance.

Provided, That in case of death or avoidance of any trustees and managers, or upon any other occasion whatsoever, the said trustees and managers for the time being, may, by such monthly notice, summon a general assembly for elections, or other matters whatsoever.

How general assemblies shall act.

And for settling and declaring the way and method, how and in what manner such general assemblies shall from time to time act, proceed, and vote, it is hereby declared, That they shall from time to time act, proceed, and vote, by such majority of votes of the persons qualified for electors, as aforesaid, who shall be from time to time present at such general assemblies, from time to time assembled at the said office, as aforesaid.

The power of general assemblies.

And for declaring the power and authority of such general assemblies, acting as aforesaid, it is hereby declared, That they shall from time to time have power to remove or displace all or any the trustees and managers aforesaid, and to elect and place others in their stead, and to allow unto the said trustees and managers such gratuities or rewards as they shall think fit; and to make, settle, and establish such further, or other rules, methods, and constitutions, for the managing or improving the said stock of monies, and electing the trustees and managers thereof, as they shall from time to time think fit: And that all and every lawful acts and things which shall be so ordered, voted, or agreed upon by the majority of such votes, as aforesaid, shall be from time to time binding and conclusive to all and every the owners of the said stock, as to their several interest in the said stock.

How the trustees and managers shall act.

And for settling and declaring the way and method how and in what manner the said trustees and managers shall from time to time for ever act, proceed, and vote, it is hereby declared, That they shall from time to time act, proceed, and vote by majority of votes of the whole number of them in being, or the major part of such whole number, each person having one vote and no more, and not otherwise; provided that such whole number or majority at the time of such their acting, proceeding, or voting, be from time to time assembled at their said office, upon some usual days or times, to be from time to time appointed and agreed on by their orders or adjournments in writing, to be the days or time for their assembling and acting as aforesaid.

May delegate a lesser number.

Provided, That whatsoever matters and things the said trustees and managers shall from time to time delegate and appoint to be done or executed, by any less number of them than such majority, shall, and may be done and executed by such number so delegated.

The power of the trustees and managers shall chuse all officers.

And for settling and declaring the power and authority of the said trustees and managers for the time being, acting as aforesaid, it is hereby declared, That they acting as aforesaid, shall for ever have the election of auditor, and register, and treasurer, or committee of the treasury, and all officers under them, to continue their respective officers during the pleasures of the said trustees and managers for the time being, and shall constitute and appoint the methods, fees, and salaries of the said office and officers, and from time to time alter the same as they shall think fit, subject nevertheless to all and every the trusts hereby reposed in them.

Shall settle the methods and fees of the officers.

Qualifications of auditor and register.

Provided, That no person shall be capable of being chosen auditor or register, as aforesaid, who shall not at the time of such election have one thousand pounds or more credit in the said stock in his own name and right, and on diminishing thereof his offices shall, *ipso facto*, cease and become avoided.

Auditor and register may make deputies.

Provided also, That the said auditor and register may severally execute their several offices, by deputies, to be approved and allowed by the said trustees and managers.

Power to employ the monies.

And it is hereby declared, That the said trustees and managers, acting as aforesaid, shall have the power of lending out and employing the said stock of monies at interest, upon the security of lands or rents, as aforesaid, or in absolute purchases thereof, or upon the security of the said stock annexed to the said bank, or in other securities or purchases for the benefit of the owners of the said stock, proportionable to their several credits therein; and of dividing and paying the income and profits of the stock, to, and amongst the persons having right thereunto, pursuant to the declaration of trust for that purpose herein after mentioned, (provided that such dividends be from time to time made by consent of such general assembly as aforesaid;) and shall have the power of borrowing or taking in money or other bills, on security of, or in exchange for the said bills of charge, and shall have the power of purchasing the said funds of insurance, and preserving the same for the intents and purposes aforesaid, and herein after mentioned, (that is to say,)

Making dividends by consent of a general assembly.

Purchase and trust of the fund of insurance.

That the said fund of insurance, as the same shall be from time to time purchased by, and with the said ten shillings per cent. per annum, set apart for that purpose, shall be from time to time settled on the said trustees and managers for the time being, or some of them, or some persons in trust for them, as a collateral security for answering, paying, and making good all such bills of charge to be from time to time given out by, or by order of the said trustees and managers for the time being, on the security of the said values of the register, over and above the principal securities of the said lands herein before declared to stand charged therewith, according to the several tenors and contents of such bills, equally and alike one with the other, without any preference in respect of the date or day of signing or issuing out such bills. Provided nevertheless, That notwithstanding such equality, the said trustees and managers may employ the said fund of insurance, to answer and make good any of the said bills, as they shall from time to time prove defective, without being guilty of breach of trust, in respect of our bills which may afterwards prove defective.

Revenue of the stock and funds of insurance, to be divided to the owners of the stock.

And as for, and concerning the interest, profit, revenue, or income to be from time to time made, or arise by, or out of the said stock, annexed to the said bank, by all, or any the ways or means aforesaid, or otherwise howsoever, and of the said fund of insurance, as the same shall from time to time be purchased, (after all costs and charges of the said trustees and managers for the time being, and their trustees deducted) upon trust that the same shall for ever, every year, or oftener, be paid and divided to, and among the owners of the said stock, annexed to the said bank, proportionable to each person's stock and credit therein.

Resulting trust of the funds of insurance.

And as to the said fund of insurance, (charged as aforesaid) the trust thereof is hereby declared to be, that the said trustees and managers for the time being, or their trustees, shall from time to time stand and be seized and possessed thereof, for the use and benefit of the several and respectful persons to whom the rents, revenue, or income thereof, are herein before declared to be paid and divided proportionable to each person's interest therein; and that the same, or any part thereof, shall never be aliened, sold, divided, or disposed, contrary to the trusts thereof herein before declared, unless in exchange for, or in lieu of other funds of the same, or greater value, which shall be conveyed and settled as funds of insurance upon the trusts aforesaid.

Funds of insurance may be exchanged for other funds.

Title and descent of the stock, and of the benefit of the funds of insurance.

And for settling the titles and descents of the said stock, and of the benefit of the said fund of insurance belonging thereunto as aforesaid, it is hereby declared, That the same, and every part thereof, shall go to executors or administrators, and be assigned and assignable by them or their order in manner as aforesaid, subject nevertheless to all and every the trusts and devises to be made thereof by the owners of the same.

10,000*l.* to be laid out in a present fund of insurance.

And for settling a present fund of insurance over and above the said other fund, to be raised by the said ten shillings per cent. per annum, it is hereby declared, That ten thousand pounds, part of the said stock of money, shall be laid out by the said trus-

tees and managers for a present fund of insurance, and shall be settled upon the said trustees and managers, or some persons in trust for them, as a collateral security as aforesaid, and shall from time to time for ever stand and be annexed unto, and appropriated with the said other fund of insurance: And that the same, and the rents, revenue, and income thereof, shall continue and be subject to all and every the trusts and dividends herein before declared, for the said other fund of insurance.

Provision for bills lost.

And whereas it may so happen, that some bills of charge may be lost or mislaid, and by reason thereof, may not be returned into the said office, pursuant to such notice as aforesaid, whereby the estates on which such bills are charged cannot be discharged of such bills, without a *proviso* herein to be inserted for that purpose; now, for discharging the said estates of such bills only, it is hereby declared and provided, That in case any bills of charge as aforesaid shall not be returned into the said office within six months after the last of six several monthly notices successively, to be given in the said monthly account for that purpose, that then, and in such case, the lands on which such bills shall be mentioned to be charged, shall from thenceforth stand absolutely discharged of such bills, and that such bills shall from henceforth stand charged on the said funds of insurance, stock, and general credit of the said bank only; any thing herein before contained to the contrary notwithstanding. And for the further security and satisfaction of the owners of any lands or estates whereupon any such bills lost or not returned as aforesaid, shall be charged, it is hereby declared, That it shall and may be lawful, to and for the said trustees and managers for the time being, by policies or counter-securities to be given out by them, or their order, by or under their assumed name or title, without naming any of their proper names, to charge the said stock and funds of insurance for indemnifying all such persons against such bills, which said policies or counter-securities shall be given out in like form as followeth, viz. "This policy pursuant to the settlement of the Land-Bank inrolled in Chancery, *Anno Dom.* 1695, doth charge the stock of monies and funds of insurance annexed to the said bank, for indemnifying the lands and rents entered in *libro* A. No. 1. and the owners thereof from pounds, in bills of charge issued out thereupon by the trustees and managers of the said Bank, and not returned pursuant to the notices in the said settlement." And it is hereby declared, That the said stock of monies, in whose hands soever the credit thereof shall be (subject nevertheless to such dividends or payments of the income or profits thereof as aforesaid, and also the said funds of insurance subject also to the dividends of the income thereof as aforesaid) shall stand charged and chargeable with and subject and liable unto all such bills and policies so to be given out upon the said stock and funds, according to the several tenors and contents thereof.

Stock and funds of insurance, subjected to the bills and policies.

Trustees not liable in their persons or particular estates.

Provided nevertheless, and it is the intent and meaning of these presents, and hereby declared, That the persons, or particular estates, real or personal, of the trustees and managers, or their trustees for the time being, shall not be subject or liable to answer or make good any defective rents or titles of all or any the securities which they shall from time to time accept or take, as aforesaid; or other losses which may happen in about touching or concerning the execution of their said trust, other than except for wilful fraud, and apparent breach of trust: And in such case, the person guilty thereof (and none else) shall be chargeable therewith, without prejudice to any other of the said trustees and managers; and that the said bills of charge and policies to be given out by the said trustees and managers for the time being, either upon the said lands or stock as aforesaid, shall not be construed or extend to subject or make liable the persons or particular estates of the said trustees and managers, or any of them, other than and except their several and particular interests in the said stock and funds of insurance, equally and in conjunction and proportion with the residue of the owners of the said stock; and that the said trustees and managers for the time being, by or

Trustees indemnified.

out of the interest, revenue, or income of the said stock, and of the said funds of insurance, shall and may from time to time reimburse and indemnify themselves, trustees and managers for the time being, and all other precedent trustees and managers, their several heirs, executors, administrators, and assigns, of and from all costs, charges, damages, and expences, which shall or may arise or happen to them, or either of them, for or by reason of the trust or management aforesaid.

Trustees may make up the stock 500,000*l.*

Provided nevertheless, and it is hereby declared, That the said trustees and managers for the time being may from time to time add and take, by way of subscriptions, any sum or sums of money as an additional stock to the said stock of one hundred thousand pounds. Provided, That such additional stock, together with the said original stock of one hundred thousand pounds already subscribed, shall not in the whole exceed the sum of five hundred thousand pounds.

By consent of a general assembly, may make up the stock 100,000*l.*

Provided further, That the said trustees and managers, by consent of such general assemblies as aforesaid, may from time to time add and take in, by way of subscription, any further sum or sums, as an additional stock as aforesaid. Provided, That such additional stock, together with the said original stock, and the said stock added by the said trustees and managers, shall not exceed in the whole the sum of ten hundred thousand pounds.

Provision for the subsequent payments of the stock.

Provided nevertheless, that for the better securing the payment of the said subscription-monies, it is hereby declared and provided, That in case any the subsequent payments of the said stock, subscribed after the payment in of the said first 20*l.* per cent. thereof, shall be behind and unpaid by the space of ten days next after the respective days and times, to be from time to time appointed, published, and notified by the said trustees and managers for the payment thereof as aforesaid, that then and in such case the first payment of twenty pounds per cent. before that time paid in for the stock, in respect whereof such subsequent payments shall be behind and unpaid, shall become forfeited and lost by the owner of such stock so failing to pay the same, and the benefit thereof, and the proportion of profits belonging thereunto, shall from thenceforth result, and go to and amongst the residue of the owners of the said stock, proportionable to each person's credit therein. And it is hereby declared, That the said original stock of one hundred thousand pounds, and all and every the said additional stock, as the same shall be from time to time added as aforesaid, shall be from time to time equally alike subject to, and managed by all and every the declarations, trusts, and conditions thereof herein before-contained.

Gratuity to the authors of the settlement.

And whereas the said Nicholas Barbon and John Asgill are authors of this settlement, now for providing a recompence and gratuity unto them for the same, it is hereby declared and provided, That the said Nicholas Barbon and John Asgill shall have five thousand pounds between them of and in the said stock of monies annexed to the said bank in the proportions following, (that is to say,) the said Nicholas Barbon two thousand, and the said John Asgill three thousand pounds, and shall have credit given unto them respectively for the same in the said stock-ledger, without paying in any monies therefore; and that they, the said Nicholas Barbon and John Asgill respectively, their respective executors, administrators, and assigns, shall from time to time respectively have and receive the dividends, income, and profits belonging to the said five thousand pounds, equally and in proportion with the other owners of the said stock, as fully as if they should pay in the monies for the same.

Provided that the said Nicholas Barbon shall not be permitted to subscribe above three thousand pounds more, nor the said John Asgill above two thousand pounds more in the said stock, to make up their several stocks five thousand pounds a-piece; and that for all the residue of the said stock to be subscribed by them, above the said five thousand pounds allotted unto them as aforesaid, they shall pay or secure the monies to be paid for the same, in like manner with the residue of the said subscribers.

Provided also nevertheless, That in case the said Nicholas Barbon and John Asgill, or either of them, at any time during the term of seven years, to be accounted from the date of these presents, shall sell, mortgage, transfer, or assign, all or any part of their respective proportions of stock herein before allowed unto them as authors as aforesaid, without the consent of the trustees and managers for the time being, or three parts in four of them, in writing under their hands; or in case the said Nicholas Barbon and John Asgill, or either of them, shall at any time, during their respective lives, settle or establish, or be trustee, director, or manager, directly or indirectly, of or in any publick bank or fund of credit for borrowing or lending monies on real securities, or otherwise, separate and apart from the said bank hereby established, without such consent of the said trustees and managers for the time being, or three parts in four of them in writing as aforesaid; that then, and in either of the said cases, the said stock herein before allowed unto the said Nicholas Barbon and John Asgill, as authors aforesaid, or to such of them who shall become guilty of the breach of this proviso contrary to the true intent and meaning thereof, and the income and profits of such stock to arise and grow due from the time of such breach, shall cease and be lost by the said Nicholas Barbon and John Asgill; and the benefit thereof to arise and accrue from the time of breach of the said proviso, shall result and go to and amongst the owners of the residue of the said stock of monies proportionable to each person's credit therein.

Provided that the act or default of either of them the said Nicholas Barbon and John Asgill shall not prejudice the other of them, without his own act or default; and that such allowances hereby made unto them as authors aforesaid, shall not exclude either of them from selling or disposing any other stock to be by them respectively subscribed as aforesaid.

Provision for sale of lands.

And whereas the said trustees and managers of the said stock may have occasion to sell or dispose of lands or estates for the benefit of the owners of the said stock; now, to the intent that no such lands or estates may be sold at under rates, to the prejudice of the owners of the said stock, it is hereby declared, That the said trustees and managers for the time being shall sell all such lands or estates by way of publick sale, publishing the same in three monthly accounts successively; in order whereunto the said trustees and managers, in framing and settling the methods and constitutions of their said office, shall, amongst other things, constitute and settle a way and method for a publick sale of lands and estates, as well for themselves as all other persons, who will sell their estates by the sale of their said office, which shall be called the sale of the Land-Bank.

May seal any other deed for the better explaining this settlement.

Provided always nevertheless, That the said trustees and managers for the time being, may at any time hereafter, by advice of council learned in the law, seal and execute any other deed or settlement, for the better explanation of all or any the trusts and conditions herein before contained.

In witness whereof the said trustees and managers herein before named, have hereunto set their hands and seals the tenth day of August, in the seventh year of our sovereign Lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. Anno Dom. 1695.

An Abstract of the Settlement.

The settlement is a deed-poll, dated the 10th of August, 1695, inrolled in Chancery, sealed by the Right Honourable Thomas Lord Jermyn, Baron of Bury, and other trustees and managers therein named, declaring the trust of all the lands which shall be conveyed to the trustees and managers of the bank, and also declaring the trust of the stock of monies and funds of insurance annexed to the said bank.

The intent of the settlement is, that the trustees and managers for the time being shall accept conveyances of lands (which are to be entered in register-books) in trust for the owners of the lands, until they shall borrow monies of the trustees and managers upon security of those lands; and that upon borrowing such monies, the owners of the lands shall by writing in register books charge their lands so conveyed, with the monies borrowed, and interest perpetual until payment. And,

That the trustees and managers after the lending such monies, may issue out bills of charge upon the security of those lands for the monies borrowed thereon; describing the lands by the books and numbers in which they are entered, without naming the owners of the lands, and making the bills to refer unto, and thereby charge the lands in form following, viz. This bill, pursuant to the settlement of the Land-Bank inrolled in Chancery, *Anno Dom.* 1695, doth charge 100*l.* value of the register, secured upon the lands, rents, and estates entered in *libro* A. No. 1. &c.

The trustees are by the settlement restrained from lending monies on securities of any lands beyond the values of the register, being three parts in four of the just value of the lands, and from taking any higher interest than 3*l.* 10*s.* per cent. payable quarterly, or 4*l.* per cent. payable half-yearly, at the election of the owners of the lands.

The owners of the lands may pay their monies borrowed, or any part thereof, when they please; and on discharge of all the monies borrowed, may have their lands reconveyed; and till failure of payment they are to receive the rents, and when the owners of lands pay in any of their monies, the trustees are to deliver to them cancelled so many bills charged on their estates, as the monies discharged shall amount to. And in order to enable the trustees to have the command of the bills, the bills are to be given out at interest, payable every half year, with a condition, that if any bill be not brought to the office, or some receiver, within thirty days after every half year, the interest thereon shall cease till the bill be returned.

And it is intended that when the owners of any lands shall pay to the trustees the monies borrowed on security of their lands, the trustees shall in their monthly account give notice to their receivers, to take in and discharge so many bills charged on those estates, as the bills shall come to their hands, and return them to the trustees.

And, lest any bills should be lost, there is a further proviso, that in case any bill be not returned within six months after notice, the lands on which such bills are charged shall from thenceforth stand discharged thereof; and such bills shall remain charged upon the securities of the funds of insurance, stock of monies, and general credit of the bank only.

And for the better indemnifying the owners of lands against any such bills not returned, there is a power reserved to the trustees to give out policies or counter-securities upon the stock of monies and funds of insurance, to indemnify the lands on which such bills are charged against the same.

And for the better security of all persons taking the bills, the trustees are to lay out ten thousand pounds out of the subscription monies, to purchase a present fund of insurance, and to lay out ten shillings per cent. per annum, out of the interest of every one hundred pounds, to add to the fund of insurance; which fund of insurance, together with the stock of monies, is to be a collateral security for the bills.

The trust of the stock of monies, and of the rents of the funds of insurance, is declared to be, for the benefit of the owners of the stock, proportionable to each person's credit therein.

The election of trustees and managers is to be yearly on the 21st of November, or within six days after, the number whereof to be twenty-one, and to be chosen by majority of votes of the subscribers; each person having one thousand pounds or more credit in the said stock, being admitted to have five votes and no more; and each person having 500*l.* or any sum between five hundred and 1000*l.* of such credit, being ad-

mitted to have three votes and no more; and each person having 300*l.* or any sum between 300*l.* and 500*l.* such credit, being admitted to have two votes and no more; and each person having 100*l.* or any sum between 100*l.* and 300*l.* of such credit, being admitted to have one vote and no more: Provided, that none are qualified for trustees and managers unless they have 1000*l.* credit in the stock in their own name and right, and on diminishing thereof their office to cease.

That on death or avoidance, the owners of the stock may elect others.

That six of the precedent trustees shall be removed every year, and not capable of being again elected till the third year after.

That all notices of elections and other things belonging to the bank shall be given in a monthly account.

That the owners of the stock in a general assembly may alter the manner of elections.

That the trustees, by consent of a general assembly, may augment the stock of five hundred thousand pounds to a million.

The Schedule containing the Draught of the Charter mentioned in the Commission to which it is annexed, and whereunto the same hath Reference.

Recital of the act.

William and Mary, by the grace of God, of England, Scotland, France, and Ireland, king and queen, defenders of the faith, &c. To all to whom these presents shall come, greeting: Whereas, in and by a certain act lately made in parliament, entitled, "An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of Fifteen Hundred Thousand Pounds, towards carrying on the War against France," it is (amongst other things) enacted, That for and during the term of four years commencing from the first day of June, in the year of our Lord one thousand six hundred ninety and four, there should be throughout the kingdom of England dominion of Wales, and town of Berwick-upon-Tweed, raised, levied, collected, and paid for, and upon the tonnage of all ships and vessels, wherein at any time or times, and for every time during the said term of four years, there should be imported any goods or merchandizes into this kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, from any parts, places, or countries in the said act mentioned; or wherein, during the said term, there should be carried coastwise, from any port, member, or creek, in the kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, unto any other port, creek, or member, within the same kingdom, dominion, port, or town, the several and respective rates, impositions, duties, and sums of money in the said act mentioned: And that from and after the seventeenth day of May, which shall be in the year of our Lord one thousand six hundred ninety and seven, there shall be throughout the said kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed, raised, levied, collected, and paid unto us, our heirs and successors, for beer, ale, cyder, and other liquors, certain additional rates or duties of excise in the said act particularly expressed; and that weekly, (to wit) on Wednesday in every week, (if it be not an holiday) and if it be, then the next day after that is not an holiday: All and every the monies arising by the rates and duties by the said act granted, should

be paid into the receipt of the Exchequer, under certain penalties therein mentioned; and that yearly, and every year, reckoning the first year to begin from the first day of June, in the year of our Lord one thousand six hundred ninety-four, the full sum of one hundred and forty thousand pounds, by, or out of the monies to arise by the said several duties, upon the tonnage of ships and vessels, and by the said rates and duties of excise, or any of them, and to be brought into the receipt of the Exchequer by weekly payments, as aforesaid, (in case the said weekly payments shall extend thereunto) should be the whole and entire yearly fund; and in case the said weekly payments should not amount to one hundred and forty thousand pounds per annum, then the said weekly monies, or payments, so far as the same will extend, should be part of the yearly fund, for and towards the answering and paying of the several annuities, and other purposes in the said act expressed; and in case the said duties upon the tonnage of ships and vessels, and the said rates and duties of excise, or any of them, should at any time or times appear to be so deficient or low in the produce of the same, as that within one year, to be reckoned as aforesaid, the weekly payments upon the said rates or duties, or any of them, shall not amount to so much as one hundred and forty thousand pounds, or to so much as shall be sufficient to discharge and satisfy the several and respective annuities, and other benefits, or advantages, by the said act intended or appointed to be paid within, or for the same year respectively; that then, and so often, and in every such case, the commissioners of our treasury, and the under-treasurer of the Exchequer, now being, and the treasurer and under-treasurer of the Exchequer, or commissioners of the treasury for the time being, are thereby strictly enjoined and required, by virtue of the said act, and without any further or other warrant to be sued for, had, or obtained from us, our heirs or successors in this behalf, to cause every such deficiency to be made good, by applying, issuing, or paying so much of any treasure or revenue, belonging, or to belong unto us, our heirs or successors (not being appropriated to any particular use or uses, by any act or acts of parliament) towards the discharging or paying of the said annuities, or other benefits or advantages, appointed to be paid by the said act, as together with the monies, which shall have been brought into the said receipt, of, or for, the said several rates or duties, shall be sufficient to pay off, and discharge, and shall completely pay off and discharge, and all the monies which within the same year respectively shall be grown due, or ought to be paid upon the said annuities, or other benefits or advantages, according to the true intent and meaning of the said act: And it is thereby further enacted, That it should and might be lawful, to, and for us, by commission under the great seal of England, to authorize and appoint any number of persons to take and receive all such voluntary subscriptions as should be made, on or before the first day of August, in the year of our Lord one thousand six hundred ninety-four, by any person or persons, natives or foreigners, bodies politick or corporate, for, and towards the raising and paying into the receipt of the Exchequer the sum of twelve hundred thousand pounds, part of the sum of fifteen hundred thousand pounds in the said act mentioned; and that the yearly sum of one hundred thousand pounds, part of the said yearly sum of one hundred and forty thousand pounds, arising by, and out of the duties and impositions aforementioned, should be applied, issued, and directed, and is thereby appropriated to the use and advantage of such person or persons, bodies politick and corporate, as shall make such voluntary subscriptions and payments, their heirs, successors or assigns; and that each weekly, or other payment, arising by and out of the said duties and impositions, should by the auditor of the receipt of Exchequer, from time to time, as the same shall be paid in, be separated and divided into five seventh parts, and two seventh parts; and that the said five seventh parts of the said several payments, arising by and out of the duties and impositions aforesaid, and so set apart, shall be appropriated for and towards the payment and satisfaction of the said yearly sum of one hundred.

thousand pounds, and shall from time to time be issued and paid, as the same shall come into the said receipt of Exchequer, to the uses and advantages of such subscribers and contributors, their heirs, successors or assigns, as should subscribe and contribute, for and towards the raising and paying into the said receipt of Exchequer, the said sum of twelve hundred thousand pounds; and that it should and might be lawful for us, by letters patents under the great seal of England, to limit, direct, and appoint, how, and in what manner and proportions, and under what rules and directions the said sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds, and the said yearly sum of one hundred thousand pounds, part of the said yearly sum of one hundred and forty thousand pounds, and every or any part or proportion thereof, may be assignable or transferable, assigned or transferred, to such person or persons only as shall freely and voluntarily accept of the same, and not otherwise; and to incorporate all and every such subscribers and contributors, their heirs, successors, or assignees, to be one body corporate and politic, by the name of "The Governor and Company of the Bank of England," to have perpetual succession, and with such privileges and powers, and to be under such rules as are therein mentioned, subject nevertheless to a certain proviso, or condition of redemption, in the said act contained: And it is thereby further enacted, That in case the said whole sum of twelve hundred thousands shall not be advanced and paid into the receipt of the Exchequer, before the first day of January, which shall be in the year of our Lord one thousand six hundred ninety and four, that then the subscribers and contributors, for, and towards the raising and paying of the said sum of fifteen hundred thousand pounds, their heirs, successors, and assignees, shall only have and receive so much, and such part and proportion to the said sum and sums so respectively paid and advanced, as shall be after the rate of eight pounds per cent. per annum: And for the better and more speedy payment of the said yearly sum of one hundred thousand pounds, the commissioners of our treasury, and the under-treasurer of the Exchequer now being, and the high-treasurer and under-treasurer, or commissioners of the treasury for the time being, are thereby strictly enjoined and required, by virtue of the said act, and without any further or other warrant to be sued for, had, or obtained from us, our heirs, or successors, to direct their warrants yearly for the payment of the said yearly sum of one hundred thousand pounds to the contributors of the said sum of twelve hundred thousand pounds, in such manner and proportions as are therein directed and appointed; and the auditor of the receipt of our Exchequer, and all other offices of the Exchequer, now, and for the time being, are thereby directed and enjoined to issue the said monies, so set apart for the uses afore-mentioned, from time to time, without any fee or reward, and under such penalties as are by the said act to be inflicted. And in the said act is contained a proviso, that in case the whole sum of twelve hundred thousand pounds, or a moiety thereof, should not be subscribed on or before the first day of August, one thousand six hundred ninety four aforesaid, that then the powers and authorities in the said act for erecting a corporation as aforesaid, should cease and determine. And it is enacted, That any monies payable to any person or persons, upon, or by virtue of the said act, shall not be charged or chargeable with any rates, duties, or impositions whatsoever, as in and by the said act of parliament (amongst divers other matters and things therein contained, relation being thereunto had) may more fully appear.

Recital of the commission.

And whereas, in pursuance of the said act, we did by our commission or letters patents under the great seal of England, bearing date at Westminster the fifteenth day of June now last past, nominate, constitute, authorize, and appoint Sir William Ashurst, knight, mayor of our city of London; Sir John Cope, Sir Thomas Littleton, Sir John Shaw, Sir Walter Young, Sir Josiah Child, Sir John Morden, Sir William Cooper, Sir John Huband, Sir Francis Lawly, Baronets; Sir Robert Cotton of Cambridgeshire,

Names of commissioners.

Knight, Sir Robert Clayton, Sir Pacience Ward, Sir James Houblon, Sir John Houblon, Sir Edward Clearke, Sir Richard Levett, Sir William Gore, Sir William Hedges, Sir Thomas Abney, aldermen of our city of London; Sir Charles Cæsar, Sir Edward Abney, Sir Benjamin Newland, Sir John Werden, Sir John Bucknall, Sir Peter Vandeput, Sir William Cranmer, Sir Henry Furnes, Sir Isaac Rebow, Sir William Scawen, Sir John Buckworth, Sir John Eyles, Sir John Chardin, Knights; Mordecai Abbot, George Pitt, Thomas Pitt, master in Chancery; William Dorrington, Brooke Bridges, Robert Bristow, Charles Fox, Thomas Felton, James Chadwick, Dr George Oxenden, Charles Williams, Henry Cornish, Edward Clarke, Colonel Henry Cornwall, William Gulston, Charles Godolphin, Esquires; John Germain, Charles Godfrey, Thomas Howard, Thomas Hall, Nathaniel Herne, Robert Henly, John Jefferies, John Knight, Richard Hutchinson, Charles Duncombe, Joseph Haskyn Styles, Francis Scobell, John Morrice, Thomas Mawle, Thomas Papillon, Philip Papillon, Francis Parry, William Palmes, Esquires; Nathaniel Tench, Francis Tyssen, Samuel Travers, Thomas Western, senior; Samuel Westerne, Thomas Westerne, junior; Robert Atwood, Peter Ducane, William Desboverie, John Duboise, Peter Delmee, William Disher, James Dufay, Francis Eyles, Barrington Eaton, James Bateman, William Bridges, linen-draper; Samuel Bulteele, Charles Ball, Esquires; Bartholomew Burton, gent. Bartholomew Beale, George Bodington, Peter Burrell, John Bellamy, scrivener; David Becceler, William Fawkner, James Fowlis, Samuel Foot, junior; Bartholomew Fillingham, John Carter, Gerrard Conyers, Richard Carey, John Cooke, linen-draper; Charles Chamberlaine, William Coward, Francis Gosfright, Thomas Goddard, Michael Godfrey, Peter Godfrey, Francis Gell, Lewis Gervaice, Thomas Guy, Peter Houblon, junior; Abraham Houblon, Gilbert Heathcot, Samuel Heathcot, Edmund Harrison, Matthew Humberston, Dr Thomas Hobbs, Daniel Hayes, Edward Haistwell, Thomas Hancock, Robert Raworth, Samuel Rawsterne, George Richards, Hillary Renew, Benjamin Rookeby, Matthew Raper, Theodore Jansen, Walter Kent, William Knight, John Kendrick, John Lordell, Robert Lyddall, Samuel Lock, John Lloyd, William Lowndes, Timothy Lannoy, James La Bretonnier, Thomas Scawen, Obediah Sedgwick, Samuel Sheppard, John Smith, silkman; Robert Mitchel, John Nicholson, Foot Onslow, Samuel Ongley, William Paterson, Peter Paggen, Arthur Shallet, Stephen Seignoret, John Sherbrook, Humphry Sympson, Henry Spencer, John Smith in Beauford Bildings; Maximilian Western, Joseph Tyley, Francis Tierens, Henry Tate, Jasper Vandebush, Gerrard Vanhuitsen, John Ward, John Woolfe, Robert Whittingham, Richard Mulys, Robert Yate, John Ellis, Thomas Edwards, James Vernon, William Ash, Edward Harris, Hugh Squire, Edward Littleton, Richard Cheyney, John Holland, William Sedgwick, William Jarret, John Shipman, and Constantine Vernatty, Esquires, to be our commissioners to take and receive all such voluntary subscriptions as should be made on or before the said first day of August, in the year of our Lord one thousand six hundred and ninety-four, by any person or persons, natives or foreigners, or by, or for any body politic or corporate, for, or toward the raising and paying the said sum of twelve hundred thousand pounds, part of the said sum of fifteen hundred thousand pounds in the said act mentioned, with power and direction to them, or such, or so many of them as are thereby authorized and appointed to take such subscriptions, and to do and perform such matters and things in relation thereunto as are hereby enjoined.

And we did in and by the same promise and declare, that in case the whole sum of twelve hundred thousand pounds, or the moiety, or any greater part thereof, should be subscribed on the said act, or in pursuance of the said commission, on or before the first day of August then next ensuing, that then we, our heirs or successors, should and would immediately after the first said day of August, or so soon as twelve hundred thousand pounds should be subscribed as aforesaid, which of them should first happen, grant and make forth our royal charter or letters patent under the great seal of Eng-

land, and thereby incorporate all and every such subscribers and contributors who should be then living, and who should not have assigned their interest in their said subscriptions; and in case any of them should be dead, the heirs of such subscribers; and in case any of the said subscribers should have assigned their interest in their said subscriptions, in all such cases the assignees of such subscribers to be one body corporate and politic by the name of "The Governor and Company of the Bank of England," with such powers, capacities, privileges, benefits, liberties and advantages, and under and subject to such rules, restrictions, power of redemption, provisoes, limitations, and clauses as are therein mentioned, or referred unto; and we did thereby for us, our heirs and successors, declare, limit, direct, and appoint, that the whole sum or amount of all and every sum and sums of money as should be subscribed and paid as aforesaid, should be, and be called, accepted, esteemed, reputed, and taken a common capital, and principal stock, and all and every person or persons, his, her, and their heirs, successors, and assigns, according, and in proportion to the sum or sums of money by him, her, or them respectively subscribed and paid thereunto, should have and be deemed to have an interest or share in the said principal stock, and of and in the yearly fund granted by the said act of parliament, as aforesaid; and that such interest or share, or any part thereof, should be assignable and transferable, and should and might be assigned and transferred by any person or persons entitled thereunto, to any other person or persons, and so over as fully and effectually as any other interest whatsoever is by law assignable, so as such assignments or transferences should be made in writing, and be entered or registered in such manner as is hereafter mentioned: That is to say, all assignments or transferences which should be made on or before the first day of August next ensuing, or the full and complete subscribing of the said 1,200,000*l.* which should first happen, or before the granting these presents, were thereby directed to be entered or registered in the office of the auditor of the receipt of our Exchequer, within six days after the making of the said respective assignments; and all assignments or transferences which should be made after the granting of this our charter of incorporation should be made, entered, and registered in such form as should be prescribed in these presents. And in the said commission are contained several other powers, directions, agreements, clauses, matters, and things, as in and by the same, relation being thereunto had, more fully and at large appears.

Recital of the duplicates transmitted into the auditor's office.

And whereas it appears by duplicates transmitted into the office of the auditor of the receipt of our Exchequer, under the hands and seals of five or more of our said commissioners, being a competent and sufficient number for that purpose, and made in pursuance of our directions in the said commission contained, that several sums, amounting in the whole to the sum of , have been subscribed, and the first fourth part thereof paid to our said commissioners, or some of them, pursuant to the said act of parliament, on or before the day of last past by

Recital of the assignments.

And whereas it also appears by the entries of several assignments made and entered in the said office of the auditor of the receipt of our Exchequer, pursuant to the directions contained in our said commission, That

are by mean assignment or assignments severally and respectively entitled to the benefits of the subscriptions which were severally made by the said

Now, know ye, that we being desirous to promote the public good and benefit of our people (which in these presents are chiefly designed and intended) as well as the profit and advantage of all such as have subscribed and contributed according to the said act of parliament, and our said commission thereupon issued, their heirs, successors, and assigns respectively, and in pursuance as well of the powers and clauses for this purpose contained in the said act of parliament, as of our gracious promise and declaration made in, or by our said commission, or letters patents under the great seal of England, whereby the subscriptions and contributions on the said act have been promoted or encouraged; and by virtue of our prerogative royal, and likewise of our especial grace, certain knowledge, and mere motion, have given, granted, made, ordained, constituted, declared, appointed, and established, and by these presents for us, our heirs, and successors, do give, grant, make, ordain, constitute, declare, appoint, and establish, that the said Incorporating clause.

and all and every other person and persons, natives and foreigners, bodies politic or corporate, who, over and above the persons before especially named, have at any time or times before the making of these presents, subscribed and contributed any sum or sums of money towards the said sum of pursuant to the said act, and our said commission, and have paid the fourth part thereof upon their said subscriptions, and who are now living or existent, and have not assigned their interest in the said subscriptions; and all and every the heirs and successors of any of the said original subscribers, who are now dead, and have not in their life-times assigned their interests in the said subscriptions, and the heirs and successors of such of the said assignees who are now dead, and did not in their life-times assign or depart with their interest in the said stock and annual fund, and all and every person and persons, natives or foreigners, bodies politic and corporate, who, either as original subscribers for the said sum of

and not having parted with their interests in their subscriptions, or as heirs, successors or assigns, or by any other lawful title derived, or to be derived from, by, or under the said original subscribers of the said sum of

or any of them now have, or at any time or times hereafter shall have, or be entitled to any part, share, or interest of, or in the principal or capital stock of the said corporation, or the said yearly fund of one hundred thousand pounds, granted by the said act of parliament, or any part thereof, so long as they respectively shall have any such part, share, or interest therein, shall be, and be called one body politic and corporate of themselves, in deed and in name, by the name of The Governor and Company of the Bank of England; and them by that name, one body politic and corporate in deed and in name, We do, for us, our heirs, and successors, make, create, erect, establish, and confirm for ever, by these presents, and by the same name, they and their successors shall have perpetual succession, and shall, and may have and use a common seal, for the use, business, or affairs of the said body politic and corporate, and their successors, with power to break, alter, and to make anew their seal from time to time at their pleasure, and as they shall see cause. And by the same name, they and their May have a common seal.

May purchase and hold.

successors in all times coming, shall be able and capable in law, to have, take, purchase, receive, hold, keep, possess, enjoy and retain to them and their successors, and manors, messuages, lands, rents, tenements, liberties, privileges, franchises, hereditaments, and possessions, whatsoever, and of what kind, nature, or quality soever; and moreover to purchase and acquire all goods and chattels, whatsoever, wherein they are not restrained by the said act. And also to sell, grant, demise, alien, or dispose of the same manors, messuages, lands, rents, tenements, privileges, franchises, hereditaments,

Sue, and be sued.

possessions, goods and chattels, or any of them. And by the same name, they and their successors shall, and may sue and implead, and be sued and impleaded, answer and defend, and be answered and defended, in courts of record, or any other place whatsoever, and before whatsoever judges, justices, officers and ministers of us, our heirs, and successors; and in all and singular pleas, actions, suits, causes, and demands whatsoever, of what kind, nature, or sort soever, and in as large, ample, and beneficial manner and form as any other body politic and corporate, or any other the liege people of England, or other our dominions, being persons able and capable in law, may, or can have, take, purchase, receive, hold, keep, possess, enjoy, sell, grant, demise, alien, dispose, sue, implead, defend, or answer, or be sued, impleaded, defended, or answered, in any manner of wise, and shall, and may do, and execute all and singular other matters and things by the name aforesaid, that to them shall, or may, appertain to do, by virtue of the said act, or otherwise;

Subject to redemption.

Subject nevertheless to the proviso and condition of redemption in the said act mentioned, and to all and every other clauses, provisos, and conditions in the said act contained.

Subscribers and assigns shall be members of the incorporation.

And we do hereby declare, That all persons having any interest or part in the capital stock or fund of the said corporation, either as original subscribers, or by assignments, or as heirs, or otherwise, shall be, and be esteemed members of the said corporation, and shall be admitted into the same without any fee or charge whatsoever.

Subscription money called stock.

And we do hereby, for us, our heirs, and successors, declare, limit, direct and appoint, that the aforesaid sum of

so subscribed as aforesaid, shall be, and be called, accepted, esteemed, reputed and taken, The Common, Capital, and Principal Stock of the Corporation hereby constituted.

Subscribers to be interested in the stock and funds.

And all and every person and persons, his, her, and their heirs, successors and assigns, according, and in proportion to the sum or sums of money by him, her, or them respectively subscribed as aforesaid, shall have, and be deemed to have, an interest or share in the said principal stock, and of, and in the yearly fund of one hundred thousand pounds, granted by the said act of parliament.

Directions to the treasury.

And we do hereby, for us, our heirs and successors, authorize, enjoin, and require the commissioners of our treasury, and under-treasurer of our Exchequer now being, and the high-treasurer, commissioners of the treasury, and under-treasurer of us, our heirs and successors for the time being, without any further or other warrant to be had, or obtained from us, our heirs or successors, to direct their warrants and orders, according to the said act, for the payment of the yearly sum of

by, and out of the five seventh parts (the whole into seven equal parts to be divided) of the monies arising by the rates and duties granted by the said act, and thereby appointed to be kept apart for the payment of the said yearly fund of one hundred thousand pounds to the said governor and company of the Bank of England, and their successors for ever, under and subject nevertheless to the payment of the issues, fines, amerciaments and debts upon judgments against the said corporation, according to the purport of the said act. The first year to be reckoned to begin from the first day of June, in the year of our Lord Christ, one thousand six hundred and ninety-four. And we do hereby direct and enjoin the commissioners of our treasury, and the treasurer, commissioners of the trea-

sury, and under-treasurer of the Exchequer, and the auditor of the receipt of our Exchequer, and all other the officers of the Exchequer, of us, our heirs and successors, now, and for the time being, from time to time, to issue and pay the said five-seventh parts of monies arising by the duties granted to the said act, or so much thereof as shall be sufficient for this purpose, to the said governor and company of the Bank of England and their successors, by weekly payments, or otherwise, as the same, or any part thereof, shall from time to time come into the receipt of the Exchequer, for, and towards satisfaction of the said yearly sum of

And in case five-seventh parts of the weekly payments in the said act mentioned, and intended to be the yearly fund for the recompence of the said subscribers, shall not amount unto so much as the yearly sum of

which is the annual fund thereby established for the said corporation to receive, then we do hereby, for us, our heirs, and successors, grant, and agree to, and with the said governor and company, and their successors, that five-seventh parts of the said weekly monies or payments, so far as the same will extend, shall be part of the said yearly fund of

And in case the said duties, by the said act granted, or any of them, shall at any time or times appear to be so deficient or low in the produce of the same, as that within any one year, to be reckoned from the first day of June, as aforesaid, five-seventh parts weekly payments upon the same rates and duties, or any of them, shall not amount to so much as within, or for the same year respectively, that then, and so often, and in every such case, we do hereby authorize, enjoin, and require the commissioners of our treasury, and the under-treasurer of the Exchequer now being, and the treasurer and under-treasurer of the Exchequer, or commissioners of the treasury for the time being, of us, our heirs and successors, forthwith, and without any further or other warrant to be sued for, had, or obtained from us, our heirs and successors in that behalf, to cause every such deficiency to be made good, by applying, issuing, or paying so much of any treasure or revenue, belonging, or to belong to us, our heirs or successors, (not being appropriated to any particular use or uses by any act or acts of parliament) towards the discharging or paying of the said yearly fund of

as together with five-seventh parts of the monies which shall have been brought into the receipt of the Exchequer, of, or for the said several rates or duties by the said act granted, shall be sufficient to pay off and discharge, and shall completely pay off and discharge the said yearly fund of

according to the true intent and meaning of the said act, and of these presents.

The constitution of the company.

And for the better ordering, managing, and governing the stock and other affairs of the said corporation, and for the making and establishing a continual succession of persons to be governor, deputy-governor, and directors of the said corporation, we do by these presents, for us, our heirs and successors, grant unto the said governor and company of the Bank of England, and their successors, and do hereby ordain and appoint, that there shall be from time to time, for ever (of the members of the said company) a governor, a deputy-governor, and twenty-four directors of, and in the said corporation; which governor, deputy-governor, and directors, or any thirteen or more of them (of which the governor or deputy-governor to be always one) shall be, and be called, a court of directors for the ordering, managing, and directing the affairs of the said corporation, and shall have such powers and privileges as are herein after mentioned.

First governor.

And we do hereby nominate, constitute, ordain and appoint, that

who is chosen for this purpose by a majority of the

said subscribers, having five hundred pounds each in the said capital stock, pursuant to certain clauses in our said commission contained, shall be the present and first governor.

First deputy-governor. And that who is chosen in like manner, shall be the present and first deputy-governor.

First twenty-four directors. And that

who are severally chosen in like manner by a majority of like subscribers, shall be the present and first directors of the said corporation.

Continuance in their offices. And the said governor, deputy-governor, and directors, shall continue in their respective offices until the five-and-twentieth day of March, which shall be in the year of our Lord one thousand six hundred ninety-six, and until others shall be duly chosen in their respective offices, and sworn into the same, unless they, or any of them, shall sooner die, or be removed, as is herein after mentioned.

Power to assemble. And we do further by these presents, for us, our heirs and successors, give and grant unto the said governor and company of the Bank of England: And we do hereby ordain, will, and appoint, that it shall, and may be lawful to, and for all and every the members of the said corporation, or body politic, from time to time, to assemble and meet together at any convenient place or places, for the choice of their governor, deputy-governor, and directors, and for the making of by-laws, ordinances, rules, orders, or directions for the government of the said corporation, and for any other affairs or business concerning the same, publick notice thereof being first given by writing to be affixed upon the Royal Exchange in London, two days at least before the time appointed for such meeting.

Notice of general courts.

And that all the members of the said corporation, or so many of them as shall be so assembled, shall be, and be called, a general court of the said corporation, which court shall meet and assemble at such times and in such manner as herein after is directed.

Election of succeeding governor, deputy-governor, and directors. And that all succeeding governors, deputy-governors, and directors of the said corporation, shall from, and after the five-and-twentieth day of March, in the year of our Lord one thousand six hundred ninety-six, be yearly and successively chosen for ever out of the members of the said corporation, on some day or days or times, between the five-and-twentieth day of March, and the five-and-twentieth day of April in each year, by the majority of votes, of all and every the members of the said corporation, having then each of them five hundred pounds or more share of interest in the said capital stock and fund of the said corporation, and who shall be personally present at such elections, each of them to have and give one vote and no more; which succeeding governors, deputy-governors, and directors so chosen, shall severally and respectively continue in their respective offices to which they shall be severally elected for one year, and till others shall be duly chosen and sworn into their places respectively.

In case of death. Provided nevertheless, that in case of death, avoidance or removal of the governor, deputy-governor, or any of the directors of the said corporation for the time being, the survivors of them, or the majority of those remaining in their office, shall, and may at any time assemble together the members of the said corporation, in order to elect other persons, by-members, qualified to vote in manner aforesaid, in the room of those then dead, removed, or avoided; and that every deputy-governor (in the absence of the governor) shall have the same power as a governor.

Governor absent.

Qualification of electors. Provided nevertheless, and we do hereby will and ordain, constitute, and appoint,

and command, that no person or persons shall be, or be esteemed, qualified, or capable to be an elector to vote, or shall give any vote at any general court, or otherwise, for an election of governor, deputy-governor, or directors, or any of them, or for, or concerning the making of by-laws, or in any other matters relating to the affairs or government of the said corporation, who shall not at the time of such general court have in his, her, or their name and right, and for his, her, or their own use, and not in trust for any other, five hundred pounds or more, share or interest in the said capital stock of the said corporation: And who also shall not at the time of holding any such general court, take the oath hereafter mentioned, if required thereunto by any member or members of the said corporation then present, having each five hundred pounds share or interest, at least, in the said capital stock, before the governor, or deputy-governor, or any two or more of the directors of the said corporation, viz. "I, A. B. do swear, that the sum of five hundred pounds or more, of the capital stock of the body politick, called by the name of The Governor and Company of the Bank of England, doth at this time belong to me in my own right, and not in trust, for any other person or persons whatsoever." Oath of electors.

And we do hereby constitute, ordain, and appoint, that no one member of the said corporation shall in any election of governor, deputy-governor, director, or other officer of the said corporation, or in any the business or the affairs of the said corporation, have, or give, any more than one vote, whatever his share or interest in the said capital stock shall be. None to have above one vote.

Provided nevertheless, that any person or persons, commonly called or known to be Quakers, who at the time of holding such general court as aforesaid, shall have five hundred pounds interest or share, or more, in the said capital stock, and shall then (if thereunto required by any member or members of the said corporation then present, having each five hundred pounds share or interest at least in the said capital stock) make and sign the following declaration, to wit, "I, A. B. do sincerely and solemnly declare in the presence of God, that the sum of five hundred pounds or more of the capital stock of the body politick, called by the name of The Governor and Company of the Bank of England, doth at this time belong to me in my own right, and not in trust for any other person or persons whatsoever," shall be capable of having a vote at any general court of the said corporation. Proviso for quakers.

And we do by these presents, for us, our heirs and successors, give full power and authority to the governor, or deputy-governor, or any two or more of the directors of the said corporation for the time being, to give and administer the said oath and declaration to the said members; and do hereby order and direct them to administer the same accordingly. Provided farther, Power to administer the oaths and declaration to electors.

And we do hereby for us, our heirs, and successors, constitute, ordain, and appoint, that no person shall at any time be capable of being chosen a governor of the said corporation, unless he shall at the time of such election be a natural-born subject of England, or naturalized, and shall also then have in his own name, in his own right, and for his own use, four thousand pounds or more in the capital stock of the said corporation. Qualification of governor.

And that no person shall at any time be capable of being chosen deputy-governor of the said corporation, unless he shall at the time of such election be a natural-born subject of England, or naturalized; and shall also then have in his own name, in his own right, and for his own use, three thousand pounds or more in the capital stock of the said corporation. Qualification of deputy-governor.

And that no person shall be capable of being chosen a director of the said corporation, who shall not at the time of such choice be a natural-born subject of England, or naturalized; and shall also then have in his own name, in his own right, and for his own use, two thousand pounds or more in the said capital stock. Qualification of directors.

Office vacant by lessening stock.

And that no governor, deputy-governor, or directors, shall continue in his or their respective offices longer than the continuance of such their respective interests and stocks, in their own names and rights, and to their own uses respectively: But upon parting with, or reducing, his or their respective share or interest in the said capital stock, to any lesser sum or sums than aforesaid, the said respective offices and places of such governor, deputy-governor, or directors, so parting with, reducing, or diminishing their said shares or interests, as aforesaid, shall cease, determine, and become vacant, and others to be chosen in their rooms by a general court of the said corporation.

Oaths to be taken by governors.

Provided also, and we do by these presents, for us, our heirs and successors, will, ordain, and appoint, that the said hereby nominated to be the first governor, or any person hereafter to be chosen to the said office or trust of governor of the said corporation, shall not be capable of executing or acting in the said office or trust of governor at any time, until he respectively shall have taken the oaths appointed to be taken by an act made in the first year of our reign, entituled, "An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths," and shall not be capable of executing of or acting in the said office or trust of governor at any time or times hereafter, until he respectively shall have taken the corporal oath following, to wit, "I, A. B. do swear, that the sum of four thousand pounds of the capital stock of the body politick, called by the name of The Governor and Company of the Bank of England, whereof I am appointed or elected to be governor, doth at this time belong to me in my own right, and not in trust for any other person or persons whatsoever:" And likewise another oath in the form, or to the effect, following, that is to say, "I, A. B. being nominated or elected to be governor of the company of the bank of England, do promise, and swear, that I will to the utmost of my power by all lawful ways and means endeavour to support and maintain the body politick, or fellowship, of the governor and company of the Bank of England, and the liberties and privileges thereof; and that in the execution of the said office of governor, I will faithfully and honestly demean myself, according to the best of my skill and understanding: So help me God."

Oath of allegiance.

Oath for stock.

Oath to the company.

Oath of the first governor, to be administered by the lord keeper, chancellor of the Exchequer, or chief-baron.

Oath to succeeding governors. How administered.

Which oaths to the first and present governor above-named, shall and may be administered by the keeper of our great seal of England, or by the chancellor of our Exchequer, or chief baron of the court of Exchequer, or any of them for the time being.

And to any future governor, shall and may be administered by the chancellor of England, or keeper of the great seal of England, or by the chancellor of the Exchequer, or chief baron of the court of Exchequer, of us, our heirs, or successors, for the time being, or by the governor, or deputy-governor, of the said corporation, for the last preceding year; or (in case a deputy-governor shall be then sworn into his office) then by such deputy-governor. And we do hereby, for us, our heirs and successors, direct, authorize, and appoint the chancellor of England, and the keeper of the great seal of England, chancellor of the Exchequer, and chief baron of the court of Exchequer, or any of them, for the time being, or such preceding governor, or preceding deputy-governor, or such deputy-governor, so qualified, as aforesaid, to administer the said oaths to every or any such person appointed or elected to be a governor of the said corporation, as aforesaid.

The like oaths for the deputy-governor.

Provided also, and we do hereby for us, our heirs, and successors, will, and ordain, and appoint, that the said

hereby nominated, constituted, and appointed to be the first deputy-governor, or any person hereafter to be chosen to the office or trust of deputy-governor of the said corporation, shall not be capable of executing or acting in the said office or trust of deputy-governor, until he shall have taken the like oaths (*mutatis mutandis*) as are before prescribed to be taken by the governor.

Which oaths to the first deputy-governor, above-named, shall, and may be administered by the keeper of our great seal of England, or by the chancellor of the Exchequer, or chief baron of the court of Exchequer, or by the first governor of the said corporation, after himself shall be first sworn, as aforesaid. How administered.

And to any future deputy-governor, shall and may be administered by the chancellor of England, or keeper of the great seal of England, or by the chancellor of the Exchequer, or chief baron of the court of Exchequer, of us, our heirs, and successors, for the time being, or by the governor, or deputy-governor, of the said corporation, for the preceding year: And they are hereby respectively authorized and directed to administer the said oaths to any deputy-governor accordingly. Oaths to succeeding deputy-governors, how administered.

Provided also, and we do by these presents, for us, our heirs, and successors, will, and ordain, and appoint, that none of the said

hereby nominated, constituted, and appointed, to be the first twenty-four directors of the said corporation, or any other person or persons hereafter to be chosen to the office or trust of a director of the said corporation, shall be capable to execute or act in the said office of a director, until he or they shall respectively have taken the oaths mentioned and appointed in and by one act made in the first year of our reign, entituled, "An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths," nor shall be capable to execute or act in the said office or trust of a director, at any time or times hereafter, until he or they respectively shall have taken the corporal oath following, to wit, "I, A. B. do swear, that the sum of two thousand pounds of the capital stock of the body politick, called by the name of The Governor and Company of the Bank of England, whereof I am appointed or elected to be a director, doth at this time belong to me, in my own right, and not in trust for any other person or persons whatsoever." And likewise another oath, in the form, or to the effect following, viz. "I, A. B. do swear, that in the office of a director of the corporation or company of the Bank of England, I will be indifferent and equal to all manner of persons; and I will give my best advice and assistance for the support and good government of the said corporation. And in the execution of the said office of director, I will faithfully and honestly demean myself, according to the best of my skill and understanding: So help me God." Which oaths to the first twenty-four directors herein nominated, and every of them respectively, shall, and may be administered by the said keeper of our great seal of England, or by the chancellor of the Exchequer, or chief baron of our court of Exchequer, or by the first governor or deputy-governor herein before named, so as such first governor, or deputy-governor, (in case they or either of them do administer the said oaths to the said directors or any of them) be first sworn, as is before mentioned. Oath of directors. Oath of allegiance. Oath for stock. Oath to the company. How administered to the first directors.

And the said oaths, to any future director and directors, shall and may be administered by the chancellor of England, or keeper of the great seal of England, or by the chancellor of the Exchequer, or chief baron of the court of Exchequer, of us, our heirs or successors, for the time being, or any of them, or by a sworn governor or deputy-governor of the said corporation for the time being, or by the governor or deputy-governor for the preceding year: And they are hereby authorized and required to administer the said oaths to all and every such director and directors, from time to time accordingly. Oath to succeeding directors, how administered.

Provided also, and we do by these presents for us, our heirs and successors, will, or- Oath of electors.

dain, and appoint, that all and every the other members of the said corporation, having each five hundred pounds or more interest, or share, in the capital stock of the said corporation, before he or they severally shall be capable to give any vote in any general court to be held for the said corporation, shall take the said oaths appointed, in, and by said act of parliament made in the first year of our reign, entituled, "An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths," before the said governor or deputy-governor of the said corporation, for the time being, who are hereby respectively authorized to administer the same: And also the oath in the words, or to the effect following, that is to say, "I, A. B. do swear that I will be faithful to the governor and company of the Bank of England, whereof I am a member; and in all general courts, when, and as often as I shall be present, will, according to the best of my skill and understanding, give my advice, counsel, and assistance, for the support and good government of the said corporation: So help me God."

Oath of allegiance how administered.

Oath to the company.

Proviso for Quakers.

Provided nevertheless, that any person or persons, commonly called or known to be Quakers, having each five hundred pounds, or more, interest, or share, in the capital stock of the said corporation, before they shall be capable of voting in any such general court as aforesaid, shall and may, instead of the oaths hereby prescribed to be taken by the respective members, having each five hundred pounds or more, as aforesaid, before the said governor or deputy-governors, solemnly promise and declare, as in the presence of God in words, or to the same effect, (*mutatis mutandis*) with the said oath last herein prescribed to be taken by the members of the said corporation, having five hundred pounds or more interest, or share, in the capital stock of the said corporation, and shall severally subscribe the same, together with the declaration appointed for such dissenters as scruple to take oaths, by another act made in the first year of our reign, entituled, "An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws;" which declarations and subscriptions, the said governor and deputy-governor, for the time being, or either of them, are hereby empowered and required to take and administer.

Power to administer oaths to officers.

And furthermore, our will and pleasure is, and we do hereby, for us, our heirs and successors, ordain and appoint, that the said court of directors shall have power and authority to administer an oath to all the inferior agents or servants that shall be employed in the service of the said corporation, for the faithful and due execution of their several places and trusts in them reposed, in the words, or to the effect following, that is to say, "I, A. B. being elected into the office or place of treasurer, to the governor and company of the Bank of England, do swear, that I will be true and faithful to the said governor and company, and will faithfully and truly execute and discharge the said office, or place of treasurer, to the utmost of my skill and power: So help me God." And the like oath to the other agents and servants, *mutatis mutandis*.

Oath to officers.

Neglect or refusal of oaths.

And in case any person hereby nominated, or hereafter to be elected governor, deputy-governor, or director, as aforesaid, shall for the space of ten days, after such nomination or election, neglect or refuse to take the respective oaths hereby appointed to be taken as aforesaid, or shall refuse or neglect to take upon him, his, or their offices, that then and in every case the office and place of every such person so neglecting or refusing, shall become vacant, and others be chosen in their places by a general court of the said corporation.

Dividends how made.

And we do hereby further will and appoint, that no dividend shall at any time be made by the said governor and company, save only out of the interest, profit, or produce arising by, or out of the said capital stock or fund, or by such dealing, buying, or selling, as is allowed by the said act of parliament, until redemption by parliament of the said yearly fund of one hundred thousand pounds; and that no dividend whatso-

ever shall at any time be made without the consent of the members of the said corporation, in a general court, qualified to vote as aforesaid.

Four general courts every year.

And we do hereby will and appoint, that the said governor, or, in his absence, the deputy-governor for the time being, shall from time to time, and are hereby required, upon such notice to be given as aforesaid, to summon and appoint four general courts at least in every year, whereof one to be in the month of September, another in the month of December, another in the month of April, another in the month of July; and we do further will and appoint, that if at any time or times there shall be a failure of holding a general court in any of the said months, by the default of the governor, or deputy-governor, or either of them, that then, and so often, in every such case, any three or more of the directors of the said corporation shall and may summon and call a general court, which shall meet and be holden in the month next coming after the month in which the same should have been holden upon the summons of the governor or deputy-governor, as aforesaid.

A general court to be summoned at any time on demand.

And moreover, we do by these presents, will, direct, and appoint, that the said governor, or, in his absence, the deputy-governor, for the time being, shall from time to time, upon demand to be made, by any nine or more of the said members, having each of them five hundred pounds or more interest or share in the said capital stock, within ten days after such demand, summon and call such general courts to be held of the members of the said corporation, qualified for electors, as aforesaid, and in default of the governor, or deputy-governor, to summon and call such court, it shall and may be lawful to and for the said nine, or more members, having each five hundred pounds stock, as aforesaid, upon ten days notice in writing, to be fixed upon the Royal Exchange, in London, to summon and hold a general court, and there to do and dispatch any business relating to the government or affairs of the said corporation, and to hear and debate any complaint that shall be made against any governor, deputy-governor, or directors, or mismanagement of his or their respective offices.

Misdemeanor of governor, deputy-governor, or directors.

And if such governor, deputy-governor, or directors, shall clear him or themselves of such complaint to the satisfaction of the major part of the members of the said corporation, in the said general court assembled, that then within ten days, another general court shall be called and held, as aforesaid, of the members of the said corporation, qualified to vote, as aforesaid: Finally to determine the same by the majority of their votes, as aforesaid, who may remove or displace all or any of the said governor, deputy-governor, and directors, for such misdemeanors or abuse of their offices, and elect and choose others in his or their rooms, in the same manner as the said elections between the 25th day of March and the 25th day of April, are herein before directed to be made.

In case of death of governor, deputy-governor, or directors.

And in every case, where any governor, deputy-governor, or directors, shall happen to die or be removed, or his office shall otherwise become void before the expiration of the time, for which he shall have been elected, the major part of the members of the said corporation to be assembled in a general court, and being qualified, as aforesaid, shall and may elect and choose any other member or members of the said corporation, qualified as aforesaid, into the office of such governor, deputy-governor, or director, that shall so die, or be removed, or whose office shall so become void, which person so to be chosen shall continue in the said office until the next usual time hereby appointed for election, and until others shall be duly chosen and sworn.

How the governor, deputy governor, or directors shall act, and the power given to them.

And for the better ordering and managing the affairs of the said corporation, we do by these presents, for us, our heirs, and successors, grant unto the said governor and company of the Bank of England, and their successors: And we do by these presents, will, authorize, and appoint, that the said governor, deputy-governor, and directors, for the time being, or any thirteen or more of them, (of which the governor or deputy-governor to be always one) shall and may, from time to time, and at all convenient

times, assemble and meet together at any convenient place or places, for the direction and management of the affairs and business of the said corporation, and then and there to hold courts of directors for the purposes aforesaid, and summon general courts to meet as often as they shall see cause. And that the said governor, deputy-governor, and directors, or the major part of them so assembled, (whereof the governor or deputy-governor is to be always one) shall, and may act according to such by-laws, constitutions, orders, rules, or directions, as shall, from time to time, be made and given unto them, by the general court of the said corporation: And in all cases where such by-laws, constitutions, orders, rules, or directions, by or from the general court shall be wanting, the said governor, deputy-governor, and directors, or the major part of them so assembled, whereof the governor or deputy-governor is to be always one, shall and may direct and manage all the affairs and business of the said corporation, in the borrowing or receiving of monies, and giving security for the same, under the common seal of the said corporation: And in their dealing in bills of exchange, or the buying or selling of bullion gold or silver, or in selling any goods, wares, or merchandises whatsoever, which shall really and *bona fide* be left or deposited with the said corporation, for money lent and advanced thereon, and which shall not be redeemed at the time agreed, or within three months after, and in selling such goods, as shall, or may be the produce of lands, purchased by the said corporation, or in the lending or advancing any of the monies of the said corporation, and taking pawns or other securities for the same: And to choose and appoint the agents or servants which shall from time to time be necessary to be employed in the affairs or business of the said corporation, and to allow and pay reasonable salaries and allowances to the said agents and servants respectively, and them, or any of them, from time to time, to remove or displace as they shall see cause. And generally to act and do in all matters and things whatsoever, which by the said recited act of parliament shall or may be done, and in all matters and things whatsoever, which they shall judge necessary for the well ordering and managing of the said corporation, and the affairs thereof; and to do, enjoy, perform, and execute all the powers, authorities, privileges, acts, and things, in relation to the said corporation, as fully to all intents and purposes, as if the same were done by the governor and company of the Bank of England, or by a general court of the same; subject nevertheless to such restrictions, limitations, rules, or appointments, as are contained in the said recited act of parliament, for or concerning the trade, business, or affairs of the said corporation, or otherwise relating thereunto.

Power to general courts to make by-laws.

And we do hereby, for us, our heirs, and successors, give full power to all and every the said members qualified for electors, as aforesaid, in their general courts or assemblies, aforesaid, by majority of their votes, as aforesaid, to make and constitute such by-laws and ordinances, for and relating to the affairs and government of the said corporation; and the imposing mulcts and amerciaments upon offenders against the same, as to them shall seem meet, so that such by-laws be not repugnant to the law of this our kingdom, and be confirmed, and approved, according to the statutes in such case made and provided.

Mulcts and amerciaments shall be to the use of the company.

All which mulcts and amerciaments shall and may be received and recovered to the only use and behoof of the said governor and company of the Bank of England, and their successors, without any account, or other matter or thing to be therefore rendered to us, our heirs, or successors.

General courts to allow salaries to the governor, deputy-governor, and directors.

And also to allow such salaries or allowances to the said governor, deputy-governor, and directors, as to them shall seem meet. And we do hereby for us, our heirs and successors, ordain and appoint, that the first general court for the said corporation, shall be held within the space of twenty-eight days next after the date of these presents.

Day of first general court.

Provided always, and for the ascertaining and limiting how, and in what manner,

and under what rules the said capital stock and yearly fund of 100,000*l.* shall and may be assignable and assigned, transferable and transferred, by such person and persons as shall, from time to time, have any interest or share in the same; We do hereby direct and appoint, that there shall be constantly kept in the public office of the said Governor and Company of the Bank of England, a register, or book, or books, wherein all assignments and transfers shall be entered. And we do hereby for us, our heirs and successors, pursuant, and according to the power given unto us, by the said act of parliament, order, limit, direct, and appoint, that the method and manner of making all assignments and transfers of the said capital stock, and yearly fund, or any part thereof, shall be by an entry in the said book or books, signed by the party so assigning or transferring, in the words, or to the effect following, viz. memorandum, "That I, A. B. this day of in the year of our Lord do assign and transfer of my interest or share in the capital stock and fund of the Governor and Company of the Bank of England, and all benefit arising thereby, unto his heirs, executors and assigns. Witness my hand." Or in case the person assigning be not personally present, then by an entry in the said book or books, signed by some person thereunto lawfully authorized, by letter of attorney, or writing under hand and seal, attested by two or more witnesses, in the words, or to the effect following, viz. memorandum, "That I, A. B. this day of in the year of our Lord and by virtue of a letter of attorney, or authority under the hand and seal of dated the day of in the said year do in the name, and on the behalf of the said assign and transfer of the interest or share of the said in the capital stock and fund of the Governor and Company of the Bank of England, and all benefits arising thereby, unto his heirs and assigns. Witness my hand." Under which transfer the person or persons, bodies politic or corporate, to whom such assignment or transfer shall be made, or some other person by him or them lawfully authorized thereunto, shall sign his or their name or names, attesting that he or they do freely and voluntarily accept of the same. And that the entry signed, as aforesaid, and no other way or method, shall be the manner and method used in the passing, assigning, or transferring the interest or share in the said capital stock or fund, and such transfer or assignment shall be good and available, and convey the whole estate and interest of the party transferring, or ordering the same to be transferred.

Directions for assignment of the stock and fund.

Form of transfer.

By letter of attorney.

Form of transfer, by letter of attorney.

Acceptance.

Provided always, that any person having any share or interest in the said capital stock or fund, may dispose or devise the same, by his last will and testament, attested by three or more credible witnesses. But, however, that such devisee shall not transfer the same, or be entitled to receive any dividend, until an entry or memorandum of so much of the said will, as relates to the said stock or fund, be made in the book or books, or some other book or books to be kept by the said Governor and Company for that purpose.

Deviseable by will, attested by three witnesses.

Entry of the devise in the company's books.

And we do hereby will and appoint, That the said governor, or, in his absence, the deputy-governor, shall not have any vote in a general court or courts of directors, save where there shall happen to be an equality, or equal number of votes.

Governor or deputy (in his absence) not to vote in general courts, unless in cases of equality of votes.

Provided nevertheless, That all matters and things which the said governor, deputy-governor, or directors, shall in manner, as aforesaid, order and direct to be done by sub-committees, or other persons appointed under them, shall and may (by virtue of such orders) be done by the said sub-committees, or other persons so appointed.

Sub-Committees.

And we do for us, our heirs, and successors, grant and declare, That these our letters-patents, or the enrolment thereof, shall be, in and by all things, valid and effectual in the law, according to the true intent and meaning of the same; and shall be taken,

Non obstante.

construed, and adjudged in the most favourable and beneficial sense, for the best advantage of the said corporation, as well in our courts of record as elsewhere; notwithstanding any non-recital, mis-recital, defect, incertainty, or imperfection in these our letters-patents.

Without fee in the hanaper.

And our will and pleasure is, That these presents to the Governor and Company aforesaid, under the great seal of England, shall be in due manner made and sealed without fine or fee, great or small, to us in our hanaper, or elsewhere, to our use therefore, any ways to be rendered, paid, or made.

Covenant to grant further power.

And we do hereby, for us, our heirs, and successors, covenant, grant, and agree, to and with the said Governor and Company, and their successors, That we, our heirs and successors, shall and will, from time to time, and at all times hereafter, upon the humble suit and request of the said Governor and Company, and their successors, give and grant unto them, all such further and other powers, privileges, authorities, matters and things, which we or they can or may lawfully grant, and as shall be reasonably advised and desired by the council learned of the said Governor and Company for the time being, and shall be approved by our attorney, or solicitor-general, on our behalf.

In Witness, &c.

CHUTE.

England's Safety: or, a Bridle to the French King. Proposing a sure Method for encouraging Navigation, and raising qualified Seamen for the well Manning their Majesties Fleet on any Occasion, in a Month's Time, without Impressing; and a competent Provision for all such as shall be wounded in Service against the Enemy, either in their Majesties Ships of War, Privateers, or Merchant-Men, to encourage the better defending them.

Also an Insight into the Advantages may be made by the Herring and other Fisheries, in respect to the Breeding of Seamen, and otherwise. Together with a Proposal for the Maintenance and Education of the Male Children of all such as shall be killed in Service, both Seamen and Officers; and a Provision for Gentlemen's younger Sons, and the Sons of Commanders killed in the Service, to qualify them for the Sea, in order to make Officers.

Also Encouragement for Commanders of Men of War, Privateers and Seamen, in taking any Ship, or Effects of the Enemies, and all to be done, without any sensible Charge or Burthen to the Kingdom. By Captain George St Lo.

Anno 1693.

The degraded state of the British naval affairs during almost all the reign of King William, gave rise to various projects for restoring them to their pristine glory. The system of pressing, which had been carried on with much severity, was also heavily complained of, and Captain St Lo appears to have conceived himself capable of suggesting a remedy for these grievances. It was full time they should be attended to, for in 1692, a proclamation had been issued to compel seamen to enter on pain of being proceeded against with the utmost severity, and magistrates were required not only to make strict search for all absconding seamen, but all unknown persons who might be suspected as such, while those who concealed sailors from the impressment were to be

committed to prison and proceeded against with all rigour of law, as persons conspiring against their majesties and the safety of the kingdom.

The tale of Captain St Lo's sufferings seems to be exaggerated for the purpose of introducing his project with a favourable grace.

To the King and Queen's most excellent Majesties.

Having (as I humbly conceive) found out a sure method for the well manning your majesties fleet, (the strength and glory of your dominions, and terror of your enemies) on any occasion in a month's time, without the trouble or charge of impressing; as also a sure method for the breeding of seamen, and encouraging navigation, without charge to your majesties; I humbly presume to lay the same at your majesties royal feet, in hopes of your gracious acceptation and countenance of my endeavours, for the service of your majesties, the ease of your subjects, and the general benefit of trade. That God may ever bless, preserve, and prosper your sacred majesties, for the good of these your kingdoms, as well as the universal benefit of Christendom, shall always be the prayer of

Your Majesties
most obedient, dutiful and
devoted subject and servant,
George St Lo.

To the Right Honourable the Lords Spiritual and Temporal, and Commons in Parliament assembled.

I cannot but give this honourable assembly some short account of the tyrannous insults and barbarous threats of our enemies (the French), in particular against these two houses of parliament, at the beginning of the war.

It being my misfortune to be disabled and taken at sea, in the year 1689, I was carried to Brest under very hard usage, and nothing could I hear, but of having myself and men sent to the gallies, and that they did not question but in a twelve months time, to have all the parliament of England there, to row their king in a galley, using the most reproachful names to this august assembly that their malice and madness could think of; and so far they proceeded in their barbarity and confidence of victory, that they took upwards of seven hundred English prisoners (part of them my ship's company) hand-cuffed them together, fastening sixty couple in a rope, in that manner driving them from Brest and other places, to Toulon in Provence, being several hundred miles, beating, whipping, and so hardly using them, that several of them died under their hands: And when they came to Toulon, hearing of the success of their majesties arms in Ireland, they changed their resolution of putting them into the gallies, but travelled them back again to Rochfort, under such miserable, harsh, and severe usage, with hunger, cold, travelling, and beating, &c. that many of them died by the way, who were then knocked out of the irons, and left often in the fields without burial; and when any of them broke prison, (which their misery forced them to, desiring rather to die than live so) their guard, when they took them, would chain them to a wall without shelter from the weather, and there let them lie languishing for several days together, as particularly John Hutchin, yeoman of my powder-room, and many others: And for my own part, they took me out of the hospital at Brest, before half cured of my wounds, and would have carried me on horse-back, though the chirurgeons declared it would certainly kill me; at length the chirurgeons prevailed to have me carried in a litter, with Lieutenant Walker, one of my lieutenants, who was likewise

wounded; they carried us thus eight days in company with three deserters, whose noses were slit an inch up, their cheeks burnt with a flower-de-luce, their hair cut off, and their ears cut, with their legs tied under the horses belly, and their hands chained, yet they were better mounted than those in company with me, to whom they would neither allow stick nor spur; they were Lieutenant William Clutterbuck (one of my lieutenants), Mr Rowley, the vice-admiral of Brandenburgh, and one Mr Carbonnel, an English merchant of French parents, who was first taken up under pretence of being a spy, and still detained in prison, and now pretend debt upon him. We were guarded with the provost marine, and four archers, giving out by the way, that I was an English lord they had taken, so that all the country people came flocking to see me. When we came to Nantz, they clapped us up in the castle, where there were two Hugonots and a priest, one Monsieur La Noa, that had been a prisoner two and twenty years, seven years in a dungeon (where he never had any light but while he eat) sixteen years before brought to trial, and then, because too old to go to the gallies, they condemned him to perpetual imprisonment, and all for writing a book reflecting on the Archbishop of Paris; and though they could not prove it upon him, yet they used him so severely, it being the barbarous principle of the cruel French king, rather to punish twenty innocent persons, than let one, they think guilty, escape: They would not allow us any provision though we sent to the governor, unless we should give half-a-crown a day each; then we desired the allowance only of bread and water, telling them we had no money, but for all that they would not allow us any without paying for it, and sixpence a day found us sour bread, which we were forced to give or starve; thus we lived on bread and water fifteen days, and then the other three consented to pay for other victuals; but because I found such living did me good for my wounds, I continued it five and twenty days, with the help of two pound of cheese, which I had unknown to my guard; but if we had had no money we must have starved for want. When I came to eat meat, my wounds growing worse, I was ordered to take physic, and being advised by the protestants to take care I were not poisoned therewith, when my physic was brought, I called the rest of my company, and desired them to bear witness, that if I were poisoned, it were in drinking King William's health, and thereupon I drank the same, which being told the governor by the said Mr Rowley, and notice sent to Paris, an order came to take me from the rest of my company, and put me into a dungeon; but the governor being a man of more conscience than the rest, because there was no dungeon but what was so wet would soon have killed me, he put me in a tower (the walls twenty foot thick) arched above and below, and the windows made up, save only a little light, twelve foot high, where I lay alone very disconsolately, three or four months, when Mr Skelton coming thither, got me liberty to walk in the castle, which being known at Paris, an order came to send me to Angiers, and then I had ten-pence a day paid me for all the time I was at Nantz, which was the only money I received of the French all the while I was in France.

At Angiers I lay close prisoner in the castle fifteen months more, under a most cruel and tyrannical governor, Monsieur Doteshon (formerly one of the Cardinal Mazarine's guard) who would receive the sacrament every week, and yet as soon as he came out of the chapel, and sometimes even within it, would beat or abuse the prisoners, or do some wicked thing or other, on any the least occasion.

There were in prison, fourteen persons,[1] some for religion, and the rest on other pre-

[1] The Dutchess de la Force, three years in prison.
Mr de Crosnier, five years.
Mr de la Brifardiere, two years.
Mr de Malle, three years for religion.

Mademoiselle Robert,
Mademoiselle Voison,
Me. Catherine le Roy,
Me. Manon Soignart,
Me. du Plessis,
Me. Paulain,
Me. Beliefuille,
Me. Carney, aged 100 years
Me. de la Porte, aged 80 years.

} In prison 12 years on suspicion of poisoning, but can have no trial or hearing.

tences; among whom were the people of very good quality, whose names are in the margin; they have some of them been in prison ten or twelve years, some more, some less, and some of them eighty and an hundred years of age, who are never permitted to write or receive any letters from their friends, and particularly the Dutchess de la Force, though her husband the duke (by his great age and hardship in the Bastile) was forced to turn his religion, yet they will not suffer him to write to his duchess, nor her to write to him.

This governor, by his own contrivance to punish the prisoners, had a door made to the outside of each prison window, which, upon every slight occasion, he would cause to be locked up, that the prisoners had no manner of light sometimes for six or seven months together.

While I was at Angiers, there was a protestant marquis condemned to the gallies for breaking out of prison; he was chained to a Turk, that had hardly rags to cover him; in this manner he was carried to the gallies, and then made to strip, and row with the rest of the slaves.

The taxes upon the people are so prodigious, that a poor shoemaker at Angiers (one Mathurine Gainer) that had a wife and three children, and paid but twenty shillings a year rent, was rated a noble; and though he offered to part with all he had for five shillings, yet they sent soldiers to quarter upon him till he paid (which is their usual method of raising taxes), who taking away what he had, the poor man, by charity, got enough to pay the tax; but yet for saying he would write to the king about it, he was clapped into a dungeon in the same castle where I was, and there kept three weeks, and then, upon the supplication of his wife, he was permitted to work in the passage to the dungeon, to keep his children from starving: And according to the ability of the persons, they send soldiers to rifle and tyrannize over them till they pay their taxes; and when I came away, they were going to lay a tax upon saboes, or wooden shoes, besides four-pence upon a hat though it cost but half-a-crown, and taxes upon christenings and funerals.

There was likewise prisoner at Angiers, one Mr Goddard, an English gentleman, who, being in the academy before the war, was at the beginning of the war taken up as a spy, though then but fifteen years of age, and kept so closely, that they would neither let me see him when he was sick, nor he see me when I was sick, only when I was coming away, with much ado, I got to see him, where he lay in the common gaol in a sad condition, and now I hear he is removed to the Bastile, and no exchange will be allowed for him, though there was a prisoner sent hence by mutual agreement for him two years since, who was kept there and yet not delivered; and thus we see what little regard the French have to their word in performing either articles or treaties.

At my coming away, I went to visit the English prisoners at Dinan in Brittany, where they lay in a most miserable condition; two lay dead at the door, and had so lain four and twenty hours; the place stunk so I was not able to go in; and with their hard usage, seven hundred have been buried out of that prison since this war; which, computed with those dead at Rochfort and other places, we cannot reckon to have lost less than two thousand good seamen, by the ill treatment they have had in France: And notwithstanding the general exchange agreed on, they continue their wonted barbarity to our seamen as much as ever: And yet, to the honour of the English sailors, I never found (notwithstanding all their ill usage by hunger, beating, and otherwise) that any of them went into that king's service, though much solicited to it by the Duke of Berwick and Sir William Jennings; and that Mr Fitz-James, who is styled Grand Prior of England and Ireland, went to sea the two last years, yet there was not fifty English seamen in their whole fleet; which may serve to confute a popular mistake among us, that the French have abundance of our seamen in their service: Indeed,

there are three privateers belonging to King James, that were set out of Ireland when he was there, that are manned with English and Irish.

And as they at first gave out I was an English lord, so I found afterwards their demands were accordingly for my release, for they first refused thirty seamen in exchange for me, then they refused two captains (Pecarr and Busheen) afterwards they demanded Captain St Mariæ and four Scotch captains that lay condemned in Newgate, and when that was consented to, then they demanded Lieutenant-General Hamilton for me, and would not be content to take the Earl of Clancarty, or any of the other prisoners in the Tower; and now, after all this value put upon me by my enemies, I should be very glad to be thought serviceable at home, as I desire to be, and hope I may in this.

They took on board me, one John Denny, a French protestant, who was settled and married in England; him they condemned to be hanged at Raines, but afterwards gave him his life to serve them ten years. Now, since there is a general exchange, and that we release all the English and Irish of their party that we take, I think it my duty in like manner to plead for his being demanded, and sent for back, that he may return to his family.

And here it may not be amiss to let these honourable houses know, what care the French king took to keep an account of what expence he was at upon the account of Ireland; for that he had a commissary on purpose to take and keep an account of all the charges he was at in all things relating thereto; and it may be easily imagined why he did so: One time it happened that the governor of Angiers sent for me, and in discourse told me what it had cost the king his master on the account of Ireland, which amounted to a great many millions of livres, which I put down for a memorandum, but lost the paper, and the sum I have forgot; but the governor told me, when King James got England again, he would pay the French king all the expences he had been at on his account, or give him Ireland for it. And another time a French gentleman being permitted by the governor to discourse me, and I not fearing to speak, as knowing I could not well be used worse than I was, told him, they were all slaves to their king, but could not see it, like a dog that never complains for want of a hat, because he never wore one. He said, "If they were slaves, yet their comfort was, they should ere long have us to be their slaves." Another time the governor sent for me to tell me Plymouth was surrendered to them, and that it was done by the deputy-governor, upon which I smiled at the conceit: He being extraordinarily desirous to know the reason why I would not believe it, I told him, that governors here were not so arbitrary as they in France; and that besides, a true Englishman had as much an antipathy to a Frenchman as a mastiff dog had to a bull; upon which he very angrily remanded me to prison.

Salt is there nine-pence per pound, which all people must take at that rate, and what quantity they are allotted; and must not dispose of any to a neighbour or friend; and poor people that are not able to buy, will watch an opportunity when any salt fish is laid afreshening, to get the water to make pottage; but the *goblees*, which are officers appointed to look after the revenue of salt, will throw it down the kennel to prevent the poor having that small advantage.

If any person be found stealing the custom of salt, though never so small, they must pay an hundred crowns for the first offence, or go to the gallies; but if they do it a second time, nothing can prevent their being sent to the gallies; and thus the French king breeds slaves of his own, without buying Turks, Moors, or negroes; for by the help of these, and the protestants that break prison, he finds almost sufficient for that use.

The manner of his dragooning his protestant subjects is this; when any one would not comply with the priests in matters of religion, dragoons were sent to quarter upon

them, according to their rank or degree; which dragoons would not be content with free quarters; but the oppressed host was forced, for quietness, to give them a pistole, or two crowns a day, in that manner wasting their estates till all was gone; then the poor men would endeavour to make their escape out of such misery: But the dragoons having a strict eye over them, would certainly keep them while any thing was left, and then carry them to prison.

The French king, to decoy those poor people, at first assured them by his officers, that if they would comply, they should receive the sacrament in both kinds, which prevailed with many to turn; but then, according to his wonted broken word, denied them the cup, and allowed them only the wafer; and abundance are now in prison that have so been for several years past on that account, who fail not constantly to pray for the success of their majesties arms.

And if this be their usage to their own people, what may those of our nation expect, if ever they should be so wretchedly unhappy (which God prevent!) to fall under their power, which makes me admire that some people here should so lose their senses as to applaud or entertain the least thoughts of a French government, which I could never imagine, till my return to England; and therefore must impute it to the most stupid sort of ignorance and malice, and that they have nothing to lose after they have parted with their brains, and that love for their country, religion, and posterity, which is natural to every true Englishman. I am,

My Lords and Gentlemen,
your honours most faithful,
and obedient servant,
GEORGE ST LO.

Advertisement to the Reader.

The following proposals being humbly offered to the furtherance of their majesties service, as well in the speedy and easy manning the fleet, as preventing the great expence and cost of impressing seamen, it is not to be supposed, that their majesties must lose their royal power and prerogative of impressing seamen, and others, in cases of exigencies, and when these methods fail, which I have no reason as yet to doubt of. But it will be still a further encouragement for seamen to come in volunteers for the sake of the reward, when they shall still be liable to a press if they do not come in, and the fear of that will make them the more willing to go upon encouragement rather than be forced to go without it; and that it will free them of the charge of protections, and prevent the hindrance of their voyages, by which they are now great losers.

If the matter of these ensuing sheets be not digested into that method and order I could wish, and that the style and language be not correct enough to appear in print, I must beg the reader to consider, first, That it comes from a sailor, whose business it is rather to speak truth plain, than neat and elegant; secondly, That the haste I was in to get them printed early enough for the parliament to make them useful for the ensuing year, may be partly the occasion of it; thirdly, That by my ill usage and hardships sustained in my imprisonment in France, my memory is prejudiced; but sure I am there is a good foundation for wiser heads to work upon; and when the parliament have it under their consideration, it will be at their election to enact this for a year, or what time they please, and under what regulations shall be thought fit, according as it shall be found in that time it may either be made use of or not.

England's Glory, &c. or a Proposal made by Captain George St Lo, for the raising twenty thousand Seamen, qualified, as here under-mentioned, for the Service of their Majesties and the Kingdom, in Manning the Royal Navy on any Occasion, (without Impressing) in a Month's Time after settling the Office; hereby humbly proposed for that Purpose.

The qualification of each seaman is, that he shall understand the mechanic part of a sailor, which is to reef and furl, and take his trick at helm, and be a man at all calls, properly called a *haulboiling;* so that half a ship's complement of such men before the mast will be sufficient to well man any ship; for masters-mates, midship-men, quarter-masters, quarter-gunners, and other small officers, will go voluntarily with their respective commanders; and several others (may be supposed) for preferment, which will not be of this number. And therefore the said twenty thousand able seamen (with the help of the warrant officers, volunteers, officers servants, small officers, and water-men's apprentices, who are sent by their hall, together with the sail-makers, armourers, carpenters crew, and chirurgeons crew,) will be sufficient to man their majesties whole fleet.

This method of bringing in seamen without impressing, will be of vast advantage to the king and kingdom.

1. In saving the great charge of conduct money and bounty money.

2. In saving the charge of hiring smacks, ketches, and other vessels, for impressing of seamen, which stand the king in 30*l.* a month each vessel, one with another, or thereabouts; and of these each first and second rate ship hath three or four, and a third and fourth rate ship hath one or two; besides the captains of each ship according to the rate and bigness, have imprest money, some 100*l.* some 50*l.* some 20*l.* besides bringing in their bills of charges and disbursements, which have sometimes amounted to two or three hundred pounds a ship to my knowledge, all which, by the method hereafter mentioned, may be saved to the crown and kingdom, which, in conduct, bounty, and imprest money, with the hiring of vessels as aforesaid, cannot be reckoned to amount to less than 60,000*l. per annum.*

By this method, the king being assured of having men ready to man his fleet on any occasion, in a month's time, will save the vast charges of keeping the great ships in pay all the winter, and besides prevent the danger of ever being invaded by a foreign enemy (as was like to have been this year); for after the summer's expedition is over, and the fleet come in, it would be a great encouragement to the seamen to be paid off, and their tickets paid at the same time, which would give them credit at any time, prevent the great abuse of ticket-buying, and enable seamen to reap the benefit of their labour themselves, as now they do not; and though the king should give 20*l. per cent.* for money so to pay them, his majesty would save vastly by it: And upon issuing out his royal proclamation at any time, have men sufficient for his service again.

And here it may be objected (perhaps from a book lately set out by one Henry Maydman, a purser), that seamen are discouraged from their majesties service by the abuses of their commanders: To which it is answered, it is a sign that that purser hath sailed with honest captains that would not let him pinch the men, for the men never fare better than when a captain and purser disagree: I observe he carefully conceals his employ of purser, well knowing, that of all officers, such a one in this case is the least to be credited; for let commanders see that the pursers do not wrong the men, and let them be paid their majesties allowance, and the tickets at payment of the ship, or upon tender afterwards, they are very well encouraged, and care not for hard words from a captain, which break no bones.

But that which discourages seamen is, the want of their due pay, and the lying of

tickets several years without payment, unless sold to a ticket-buyer, which occasions the proverb among them of going to sea for a knife and sheath.

This would likewise prevent the impressing of land-men (altogether unqualified, which often breeds sickness in the fleet,) as also water-men that were never at sea, upon whom it is now very hard: For instance, a water-man is imprest out of his boat that has a wife and four or five children to maintain; in his absence his boat is unemployed and receives damage; his wife and children must become burthensome to the parish, or if she has credit, perhaps runs her husband in debt more than he can get up in a year or two.

Likewise when a ship comes home after a long voyage, the men are imprest, who perhaps have some of them ventures on board, which they are snatched from without having the liberty of going to their families, and disposing of what they have, or even to refresh themselves; in which case their ventures are lost, the men dissatisfied, and their families ruined: Also, many persons have been lost on the Thames and other places, in endeavouring to escape; as particularly ten or twelve persons lately in boats were drowned, shot, and died of their wounds, in making off from a ship that had prest them; and the sand-barges at Plymouth, when a press is thereabouts, lie wholly unemployed by the absconding of the men, which hinders the working of husbandmen, for want of that sand to manure the ground; so that many teams of horses and yokes of oxen lie still on that account, to the great damage of the country.

This would also prevent the great abuses by persons pretending to be press-masters, who, to get money, often do very ill things; sometimes occasion murder, and generally such disorders as bring an odium upon their majesties fleet undeserved.

Besides, it is very hard upon lieutenants, who in pressing cannot but spend more than their pay, and sometimes are turned out for impressing those that have protections (which by this will be taken off:) So that no man, as the case now stands, would be a lieutenant, were it not for the prospect of being advanced to captain.

In the next place, it is hoped no man's private interest will be thought equivalent to balance against so great a public good and ease as this will be to the king and kingdom.

The reasons that have induced me to undertake this great work, are drawn from my dear-bought experience when prisoner in France, where I lay two years and two months under great hardships, and nineteen months of that time all alone in an uneasy and disconsolate condition.

When I was first brought prisoner thither, I lay four months in an hospital at Brest, for cure of my wounds, and was sent to Nantz before half cured. While I was at Brest, I was astonished at the expedition used in manning and fitting out their ships, which till then I thought could be done no where sooner than in England, where we have ten times the shipping, and consequently ten times more seamen, than they have in France; but there I saw twenty sail of ships of about sixty guns a piece, got ready in twenty days time; they were brought in and the men discharged, and upon an order from Paris, they were careened, keeled up, rigged, victualled, manned, and out again in the said time, with the greatest ease imaginable. I likewise saw a ship of 100 guns there had all her guns taken out in four or five hours time, which I never saw done in England in twenty-four hours, and this with greater ease and less hazard than here, which I saw under the hospital window; and this I am sure I could do as easy in England.

I likewise saw, on the other side of the river, an imitation of a ship with a tire of guns, where the men were often exercised and instructed in the practice and use of the great gun, as if they were at sea, which very much contributed to their skill; and if the same were done and practised near our sea-ports, it would be of great use in fit-

ing men for the sea service; in which we need not be ashamed to learn of them, for they are ready enough to imitate us in any thing for their advantage.

The aforesaid ships being so soon out again, put me upon enquiry how the men were got so quickly, and I found that the seamen were all registered by the intendant marine, or commissary of each province near the sea, which puts that king to vast charge in paying great salaries to them, their provosts marine, arches, and other officers, for taking account of all maritime affairs, for a merchant ship cannot go to sea without leave from such intendant, who appoints what seamen they shall have, and so many land-men to be trained up in the French king's pay, as are thought necessary; which method he hath used for these fourteen years past, in all probability, in hopes of an advantage over England.

These officers register not only seamen, but watermen, fishermen, and all other persons belonging to the sea, or trading in any river of France, as the Loire, Seyne, &c. who upon proclamation are always to be ready to serve on board the fleet, as they have been all this war, and upon failure (by his arbitrary power) hangs them up at their own door without trial or mercy.

So that, to the wonder of the world (though he has not above the tenth part of merchant shipping, as aforesaid, which is the nursery of seamen), he gets out his fleet ready to fight the English and Dutch, who are so much superior to him in naval strength, that it is very much admired at abroad, and looked upon as ill conduct in us.

Thus the French king, when his fleet is out at sea, is at much greater charge than we, in regard of the encouragement he then gives to his officers, both in pay and provisions, which brings his best nobility to his service, who, when they are sufficiently qualified, are preferred to command, and never makes masters of merchantmen, captains of men of war, well knowing that there is as great an improbability in most of them to well understand the nature and command of a man of war, as it is for a gentleman of 500*l.* a year (that perhaps knows well enough how to manage his own estate) understands martial discipline to command in a castle in a time of action, or for a captain in the militia to be as fit to make a general officer, as one that has been in several campaigns, sieges, and other actions; and will sooner prefer one of his warrant officers that has been trained up in his service than one of them; though that is also very rare, for he will sooner reward them with money for any brave action, and give his commands to his people of quality.

And though the French king, by the means aforesaid, is at more charge than we, when his fleet is out, yet when they come in he is at much less, for then he pays off, and lays up his great ships (as we may now do by the following method) which saves him vast charge in the winter, when his men go out a privateering, and make a harvest upon our merchantmen, which he encourages by giving them his tenths of what they take: which I could wish was done in England.

And here I cannot forbear mentioning one generous action of that king, who as he punishes well, takes care likewise to reward well: For when I was taken in the Portsmouth by the Chevalier Demany, Knight of Malta, in the Marquis, a ship of 60 odd guns (all brass but twelve) though he could not bring my ship in, she was so much disabled, he dying in forty-eight hours of his wounds, told the second captain upon his death-bed, that nothing troubled him, but that he should die in debt to his relations and friends, which being represented to Monsieur Saignelay (who then was on board the fleet), and by him to the French king, the king thereupon did much regret the loss of such a man, saying, "he had rather have lost the ship than the captain," and ordered the payment of his debts out of his own bounty, which came to 22,000 livres, which is near 1800*l.* sterling.

Thus it being the method of the French king to furnish himself with seamen on any occasion: 1. By registering them: 2. By his arbitrary power, hanging them in case

of desertion, thereby, like death, sparing none to the sea or gallows. In England it would be found both difficult, chargeable, and needless.

1. It would be very difficult as well as chargeable to register seamen here, because not one in ten is a housekeeper, and therefore not with any certainty to be found.

2 It would be needless, in regard we have not occasion (as the French have) to take all our seamen, but a moderate proportion only, which may be done by registering of all sorts of shipping and small craft, using the sea, or any river, port, or harbour in England, Wales, and Berwick-upon-Tweed, as merchant ships of all sorts, fishing-boats, oyster-cocks, row-barges, western-barges, lighters of all sorts, tricker-boats, hiber-boats, stow-boats, and the trows at Bristol, smacks, hoys, ketches, coasters, &c. (by what names soever differenced) and giving them a certain number, or mark of distinction, as is done to the hackney coaches, that each of them, according to their several burthens, trade, and profit, shall find one man or more for their majesties service, or be obliged to pay five pounds into an office to be erected for that purpose, for each man so ordered for them to furnish for one year, which office may be called "The Office for registering Shipping and Small Craft:" And in case of failure, after a month's notice given by proclamation, to forfeit to their majesties the ship or vessel they shall refuse or neglect to furnish men for: And that this may not seem an hardship upon the subject, it shall be herein demonstrated, that it is the interest of all persons concerned to comply herewith, and that the money or forfeiture is not the thing desired, for if they can provide qualified men under that rate, or for nothing, it is the same thing with us, for the money so given is to be bestowed gratis on such men as will go in the service.

It is Proposed,	*The Reasons are,*
I. *That every oyster-cock, fishing-smack or hoy, for trawling and drudging, shall find a man qualified, as before-mentioned, and every three peter-boats the like to serve their majesties in time of war.*	Because they offered the late King James (if they might be incorporated) that they would find him 500 good men to serve him at sea on any occasion, and now great part of these people have protections, and serve not at all, though it is more reasonable they should serve the present government than the late, and this way their quota will hardly amount to more than they voluntarily offered before.
II. *That each ballast lighter find two men, though they have but two men work on board them. There are now but 66 ballast lighters, though they ought to be eighty; but sixty-six will find a hundred thirty-two men.*	These men are protected by their great interest, and very fit to serve their majesties. They will in tides-time take up twenty or thirty tun of ballast, which comes to about 30*s.* of which the two men that labour hard have but one-third between them, the other two-thirds are divided between the ballast-office and owner of the lighter, who having so great profit for little or nothing, the lighter being not worth above 60*l.* and all foreigners pay 4*d.* per tun more than others, ought to contribute toward the defence of the sea, which their profit comes by.
III. *That each row-barge, and tilt-boat, find two seamen as above.*	These men are fit for the king's service, and what they usually give for protections may be near sufficient to find the men proposed.
IV. *That each western barge, carrying twelve or fourteen men, may*	These barges have a great and certain profit, pay no custom or other duty; and now, when they come for London, leave their men at Kingston, at charge, and hire others

find four or five men, and more or less according to the number of men they employ.

there, that are not liable to be imprest, so that they would willingly contribute to be free and easy.

V. *That each ware barge, and such like, find two men at the least.*

For the reason aforesaid.

VI. *That all coal-lighters, close-lighters, and such like, find one man between two.*

They now pay for protections, and by that means have very good men for 14*s.* per week, and get vastly by bringing coals, &c. through bridge, having 12*d.* for the carriage of each chaldron, besides the advantage of the measure if they be woodmongers.

VII. *That all small craft, viz. ketches, hoys, smacks, coasters, traders, &c. not exceeding forty tun each, find a man.*

This they would gladly do, that they might not be liable to be imprest, and get by it too, in regard they might then make the more voyages, when they have no interruption.

VIII. *That all colliers, for every fifty tun they measure, at ninety-five foot each tun, shall find a man.*

The colliers by this would be much the gainers, in saving the extraordinary charge they are now at for men, sometimes giving 8*l.* a man each voyage, which at other times they might have for 30s. and when their men are prest in the swin or gun-fleet, they are forced to give 40*s.* or 3*l.* a man to be brought up the river. I have known some colliers clear 4 or 500*l.* in a voyage, all charges paid: They will make five or six voyages in a year, now this war time, and by this method may make more.

IX. *That all merchant ships, trading beyond sea, or lying at home by the wall, find a man for each fifty tun they measure, and if they are not like to go to sea that year, and thereof give notice to the office, (when they bring the men or pay the money, that a memorandum of it may be entered in a book for that purpose) and if after a twelve month's time they come again, and make affidavit, that such a ship has not been at sea in that time, the office shall repay them two-thirds of the money they have given or paid for their men.*

When they have made a voyage and come into Plymouth, or other places, their men are prest, their goods it may be perishable, and their markets lost, or, to prevent that, they are at a vast charge in hiring men, or procuring protections to bring their ships about, so that it would be their interest thus to contribute, to save them the much greater expence they are now at as aforesaid, some ships having to my knowledge given four and five pounds a man for hands to bring them up to London from the Downs.

X. *That all ships or vessels belonging to Ireland, New-England, or other*

Because being subjects to the crown of England, and liable to be imprest as others are, they ought, for their freedom, to contribute towards the war, in regard also that

plantations, under the government of England, and trading hitherto, be obliged, upon their coming to any port of England, to give security to find their quota of such men during the war.

their safety is concerned in the public good; and also many ships this war for want of hands (being pressed thereout) have been cast away and taken.

XI. *That no hired ship or vessel employed in their majesties service, on any account whatsoever, for carrying provisions, stores, soldiers, or otherwise, may be exempted from this contribution.*

Because such exemption would occasion many disputes, and great trouble to the office, and be made use of as a pretence, when these men receiving their hire (which they will take care shall be sufficient) they ought as well as others to find their quota.

XII. *As to the watermen in the river of Thames; it is thought reasonable, that every three boats or wherries should find a man, not exempting the king's, queen's, or noblemen's watermen, who have badges and coats, which usually protect them, and abundance of others wear Bromagem coats, as if they belonged to noblemen and gentlemen, though they do not, thereby deceiving the lieutenants, and keeping themselves from being impressed.*

Suppose there are 6000 watermen belonging to the Thames, one-third part of them are at sea already, prest or volunteers, so that the rest at home have the benefit now of what maintained them all before, and therefore three wherries may well find one man more easy than a hackney-coachman can pay *5l.* a year, when he is at so great a charge in keeping of horses, and continual wear of his coach. None of the servants belonging to the king, queen, noblemen or gentlemen, are exempted from paying the poll and other taxes; and since they are always paid by their masters for what they do, even beyond what others would, and have coats and badges given them, though it be allowed that their persons shall be protected from going to sea themselves, yet they ought to pay their quota, to find men as well as their share of other taxes, and the rather in regard of the encouragement they have always had at sea, where a waterman's apprentice that has served him five years is allowed *23s.* a month, when a captain or warrant officer's apprentice that hath served five years actually at sea, has but *18s.* a month, and by this method the king will have always good men instead of boys, usually sent by the watermen.

XIII. *That all foreign-built ships contribute one-third part proportionable to their burthen, more than ships built within their majesties dominions, or what other proportion the parliament shall think fit.*

This hath been done on other occasions, for the encouragement of English navigation, and to put a difference betwixt home-built, and foreign bottoms.

This method is intended to comprehend all vessels and small craft throughout England, as the sand-barges at Plymouth to find one man, and the keels at Newcastle one man or more; the cobles to the northward, and all manner of fishing-boats, and small craft, to pay proportionable to the method before proposed.

Likewise, that ship-carpenters, calkers, and sail-makers, as their employs relate to the sea, shall furnish such a proportion of men from their several yards, for their majesties service, as shall be thought equitable, as armourers are sent by the office of ordnance.

And to render this method the more effectual, it is thought necessary that the masters of all ships, vessels, and small craft that are to find a man, shall bring one qualified seaman for each ship, or be obliged to go themselves, though they may be excused from bringing the rest of their quota on paying 5*l.* each; and this cannot be reckoned hard, considering the great trouble and charge they are now at for protections, which by this will be saved, and that is considerable; for sometimes it hath cost men more in obtaining protections than would pay their quota according to this method for seven years.

And to make it the easier upon masters and owners of ships, that they may not be at all the charge for finding their quota, if it be not provided, that no private seamen shall have above 30*s.* a month, which would make them amends; it may be however enacted, that all seamen in merchant ships shall pay to their respective masters and owners, towards their charge in finding seamen for their majesties ships, half-a-crown in the pound for all money they shall receive for wages over and above 23*s.* a month, that as they are so great gainers by the war, they may be assisting to the war, having now sometimes 3*l.* a month, whereas in time of peace, they have but 23*s.* and 25*s.* a month; and a seaman in a collier has now 8*l.* a voyage, which used to be but 30*s.* So that by this way the masters and owners will rather gain than lose, and no one will be prejudiced, for the seamen pay only out of their extraordinary wages.

And in case a vessel exceed fifty tun, and amount not to 100 tun, if she be above the one half of the fifty tun, in dispute, she shall find a man for that, as well as if she measured the full number; but if she come short of the one half of the fifty tun, in dispute, then she shall not find any thing, for the odd tuns she measures over and above, even fifties; the measurers to be sworn to do justice between king and subject, and to be supervised by the commissioners of this office, as occasion offers; this to be understood as relating to ships going voyages by sea, and not inland vessels.

And by this method, instead of having 2 or 300 lieutenants a pressing, and forcing men to go against their wills, we shall now have 5 or 6000 men going about with money in their hands to get men for their majesties service, who will hereby be encouraged to go willingly, which will be a great ease on all sides, and more expeditious than before, because Englishmen may be better led than drove, and a willing boy is better than an unwilling man.

Perhaps it may be objected, that it will be hard for a ship or a vessel lying by the wall, to contribute in this manner; and others for covetousness, or some sinister ends of their own, to get the charge taken off themselves, may start other objections.

It is answered: It is no more hard for a ship lying by the wall thus to contribute, than for an empty house to find a militia-man, &c. On the other hand, all good men, and well-wishers to the government (so far as I can find by discoursing them) are willing to it, as knowing that it will save them great trouble and charge in protections, when they may at all times have men cheap, and free from being impressed, to follow their occasions, and besides have convoys more ready to attend them, when the fleet is well manned, the ships clean, and all in good order: And I am very well assured there will not be one ship or vessel the less on this account; but if any objection be made by those concerned against any particular hereof, it is humbly desired they may be personally heard themselves by a committee, what they have material to offer, as plain matter of fact (without lawyers), and we do not doubt but to give good satisfaction therein.

This being duly put in practice all over England, Wales, &c. according to the method proposed, will, it's not doubted (with ease, when the office is settled) furnish their

majesties fleet in a month's time on any occasion, with at least twenty thousand seamen, if not more, and better men than now, because then the rate of wages will fall from the present unreasonableness, occasioned by impressing, and people will take them that will serve the cheapest, and so be content with the worse men themselves; but the king cannot have ill men, because they must be all qualified as above-mentioned, and examined to that purpose by the commissioners appointed for this office, who must be such as have been commanders of men of war, and no other: and such men as they approve of, shall have some paper or attestation under their hands, before they be received on board any of their majesties ships of war: And in case any person or persons shall bring one man to the office, and, after examination and approbation, shall send another in his room, he or they so offending, shall forfeit to their majesties £20*l.* for every such offence, to be recovered as is here under-mentioned, and paid into this office for the uses aforementioned, in regard the commissioners are answerable to their majesties for all unqualified men sent on board their majesties ships of war.

And if any master, owner, or other concerned, refuse or neglect to find such man, or men, to be approved of as aforesaid, or to pay the five pounds for each man, within the month limited by proclamation, he or they shall forfeit the ship or vessel for which they have not found men, or paid their money as aforesaid, to be recovered in this office, by prosecution in the exchequer, or at common law, and to be by the officers thereof sold and employed in the encouraging such qualified seamen as shall be fit for their majesties service; for which encouragement or gratuity many will be willing to come in; and poor seamen that come out of France and want cloaths and necessaries, or are otherwise distressed, will gladly come to this office and receive five pounds to go to sea, bringing his landlord, or some other security, to be bound for his going accordingly, as must likewise all those that are brought on the account of any ship, vessel, or small craft; for when any fails, the vessel they serve for, is to be accountable; and therefore the master or owner, on giving his gratuity, will be careful what security he has that his man or men shall go.

And that such master or owner may not be put to any great trouble upon the failure of his men, when there is any such failure, the commissioners of this office will send to the master or owner concerned, for the bonds of the persons so failing, and put the same in suit; for which it is conceived necessary, that some quick way may be provided for recovering the forfeiture without long trouble, or unnecessary charge to the office.

And if it shall happen that any of these men, so provided as aforesaid, shall receive preferment, the man so preferred shall be obliged to find another in his room.

And now, for the regular and effectual management of this great affair, so much conducing to the ease and benefit of their majesties and their kingdoms, it is humbly proposed, that there be appointed for the principal office in London five commissioners (all sea commanders that have well merited in their majesties service) whereof one to be superintendant, and any three to make a *quorum*.

That there be an iron chest in the office, with a slit on the top, for any person that brings money instead of men, to see their money put into, that the king nor himself be not wronged.

That there be five different locks to this chest, whereof each commissioner to have a key, and therefore to be opened only when they are all present, that there may be no fraud in the case.

That there be also a secretary, clerks, messengers, and other officers necessary for this service.

That there be a sub-commissioner for the same purpose, at the ports of Plymouth, Bristol, Newcastle, Yarmouth, and elsewhere, as thought most convenient, with a comptroller, secretary, clerks, surveyors, and such other officers as shall be necessary.

That there be a like iron chest in each port, with three locks, whereof the commissioner to keep one key, the comptroller another, and the mayor of each town the third; and the chest to be never opened without the mayor being present with the commissioner and comptroller, and seeing what money is taken out, and for what use; and that an account thereof, under their and their mayor's hand, be from time to time transmitted to the principal office in London, where an exact register shall be kept.

That there be a measurer in each port, and three for London, to measure all ships and vessels that they may not be under-rated.

If it be objected, that the creating new officers necessary for this service will be another charge upon the government,

It is humbly answered, that the officers employed are to be such as have well deserved of the government; that are disabled in the service, and have a pretence to pensions or half-pay, which by this means will be saved, as well as the other great sums before and after-mentioned, to which this charge is no way equivalent: Besides it will be an encouragement to commanders and officers in the sea service, that there are employments capable of rewarding them, in which also they may yet serve their majesties, and so not be a charge unprofitable.

Now for a demonstration how to raise the 20,000 seamen proposed: In the first place, about this time twelve months a fleet of 470 colliers loaded at Newcastle, came over the bar in two days, and joined 70 sail more that came from Sunderland with coals, which I am assured of by Captain Banks, that was then their convoy; they were from 60 tuns to 400, so that one with another they may be allowed to be near 200 tun a-piece: And at the same time those that are light and repairing, and loading at Newcastle, and unloading at other ports, with what trade from Milford, and other parts of Wales for Ireland, and some parts of England, with a sort of coal called culm for smiths, cannot be reckoned at less than as many more, making together 1080 sail, which, at 200 tun a-piece one with another, may find four men each, which in the whole raises 4320 seamen.

There are likewise belonging to Newcastle and Sunderland about 300 vessels called keels constantly employed in lading coals, that carry five and six men a-piece; and may very well afford to find among them about 500 men.

So that the colliery of England, modestly computed, finds alone, 4800 men, and yet cannot be supposed to be one-seventh part of the shipping of England.

Then for the watermen, there were this year mustered on board their majesties ships of war, 1100 good men that went voluntarily into their majesties service, who will go again with their respective commanders, besides those that were sent by their hall.

And we cannot suppose but that, allowing three boats or wherries to find a man, without exempting any on account of privilege, that way there will not go less than 1500 or 2000 men, which must be qualified as above, and what apprentices they send that have not been at sea before are not to be reckoned in this number.

The western barges, ware-barges, row-barges, tilt-boats, and ferry-boats, will find 500 men.

The ballast-lighters will now find 132 men, and ought to find 160.

The peter-boats and oyster-cocks formerly offered 500 men, and cannot now find less, if not more.

The coal-lighters and close-lighters are so numerous, that I know not what their quota may amount to. Thus the river of Thames furnishes 3732 men, without reckoning merchant-ships and coal-lighters, which may be considerable.

In the next place as to the fishery, about eight years since I was convoy to the herring fishery at Yarmouth, for two years, and found that the English had then about 700 vessels employed in that trade, carrying from eight to twenty men a-piece; so that, allowing them to carry fifteen men each one with another, it amounts to 10,500 men,

and great part of these vssels belonging tot he Cinque Ports, they pretend a privilege that they will never suffer a press among them, whereby their majesties are deprived of the service of so many able men; but by this method their vessels will be obliged to find their proportion, as others do, or pay their money to provide others; and so their majesties will have the benefit of their service, as of right doth belong to them.

The town of Yarmouth, as I have been informed by the magistrates thereof, hath formerly had 1500 ships belonging to it; but now much decayed by the choaking up of the mouth of the harbour.

The Dutch had then near 3000 busses and doggers a-fishing there, with three small ships with flags for convoy, belonging to Ankhusen; the commanders coming on board me all at once, told me, that town had once 1500 busses and doggers belonging to it: Their vessels carry above twenty men one with another, being near 100 tun each, so that at that rate there came 30,000 men from that one town: They make three voyages in a year, beginning at the islands of Orkney and Shetland; and following the fish through the channel to the North-Foreland. Whereas we have the conveniency of taking them up so near hand, that at Yarmouth what they take in the night, they carry ashore in the day, and return to their fishing again at night; whereas the Dutch are by their distance from home obliged to be at great charge in gibbing, pickling, and barrelling them up to preserve them sweet; and must lie out at sea in all weathers, which we are not exposed to; and yet, to our great shame and detriment, both to ourselves and posterity, we have in great measure lost that so advantageous trade of the herring-fishery, which is a seminary for seamen; and a maintenance to so many thousand families in Holland, who are at much more pains, charge, and trouble, than we in England need be, to whom it doth of justice, antient right, and situation appertain.

During the time I was convoy to our fishery there, as aforesaid, my business was to see that no foreigner should fish in sight of the shore, because the fish drawing thither to spawn, the best draughts are there; and besides the waurope of the Dutch is bigger than ours, and their gear stronger; they have bigger vessels than we, and more men, and so would be too hard for ours, and drive us off the fishing ground, if it were not for our convoy; for some of their vessels have 340 nets a-piece, which will reach upwards of two miles.

It happened once I saw a Dutch vessel driving near the shore, upon which I fired a gun, and brought the master on board me; I asked him how he durst go there to fish? He told me ingenuously it was for the advantage of the draught there; I asked him what fish he had taken that night, seeing his nets white? he told me nineteen last, each of which contains 12,000 herrings, so that, computing them at 20*s.* per barrel, his night's work came to 228*l.* with which, and what he had taken before, he was forced to run immediately to Holland, for fear of their stinking; so that admitting each of these 3000 vessels take 50 last of fish each voyage, and three voyages to be made in one season, at 10*l.* each last, it amounts in the whole to 4,500,000*l.* This I thought to be incredible; they told me also these herrings, in paying duties for staves, hoops, salt, packing, importing, and again exporting for the Rhine, and other countries, bring in a considerable revenue to the state; and then to our great shame these herrings taken upon our own coast are likewise traded with to England, and there sold for two-pence a-piece, and sometimes more: And by this it is very demonstrable what the advantage of this fishery might be, if encouraged.

The French were there, but had not then above 100 vessels, though they (finding the sweetness) have much increased since; they would be pressing in for the shore; for which reason I sometimes took several of their masters on board me, and then set sail to the open sea, and there put them all on board one of their vessels to shew them sea-breeding, and they having no boats, were two or three days before they could get

into their own vessels again; and this I did purposely, that they, of all others, might not have the encouragement of over-running us in our fishery.

The pilchard fishery in the west is very considerable; I have known 500 boats at a time in Mounts-bay catching pilchards: If they be rated according to their several burthens, or the number of men they employ, I doubt not but they will raise a considerable number of seamen, as will also the Newfoundland and Iceland fishery, which, if encouraged, would turn to good account, and that is no way better to be done, than by letting them have free liberty to trade, without the danger of pressing their men.

And now, since I have taken the pains to get 20,000 seamen for their majesties service, which I doubt not but by this method will easily be done, and without oppressing any, only laying an embargo for one month, and obliging all masters and owners of ships not to allow above 30*s.* per month to any private seamen, I humbly conceive it but reasonable some care be taken of those that lose limbs, or are otherwise disabled, in such service, for which purpose, in the first place, it is proposed,

1. That the poor's chest at Chatham be regulated, and to that end be put under the care and inspection of the commissioners of this office; and in regard that the present revenue of that chest consists of the seamen's deductions, which in time of peace fall short, and are of no competent support for the poor disabled seamen, it is in the second place proposed,

2. That if the law bill (which was lately in being) were revived and settled upon this chest, for the relief and support of seamen, wounded and disabled in their majesties service, it would not be felt by the subject, and at the same time be a constant fund for this use enough to support it; and whereas a seaman has now at the most twenty nobles a year for the loss of a limb, he should then have at least double that sum, and so be happier without his limb than with it; for the smart will be forgot when the money is present. And here my chief design should be to prevent that common evil too often seen in things given to good uses, that the pillars to support it may not be the caterpillars of it.

And that this office may be kept up in time of peace as well as war, to be ready at all times for their majesties service, it is humbly proposed that all ships, vessels, and small craft, shall, for each man they find in time of war, pay 5*s. per annum* in time of peace, as an acknowledgement to this office.

And that seamen in merchant ships may not still pretend they have nothing allowed them, if they lose their limbs, whereby many ships have been lost for want of defending them, this office, in case it be thus settled, will, for the future, pay and allow to all seamen, wounded and disabled in merchant ships, and likewise in private men of war, two-third parts of what is allowed to seamen in their majesties ships of war in the like case.

Now, to demonstrate what may undoubtedly be saved to the king and kingdom, by the foregoing method, I find, that the whole fleet, by the list of the line of battle, consists not of 36,000 men, with fire-ships and tenders; and now we need not half the tenders we had before, there being no occasion for them to go a-pressing.

And when the great ships are come in and paid off, that is, the sixteen first and second rates, and eighteen of the third rates, with fire-ships, which together take up about 21,000 men, officers and all, their whole pay may be saved during the winter, which, at the method usual in the navy, of allowing 4*l.* a man per month, to pay all wages, victualling, wear and tear, amounts to 84,000*l.* per month, and that for six months comes to 504,000*l.* At the same time we shall have a winter squadron, which will be 15 third rates, and 13 fourth rates, besides fifth and sixth rates. And then we shall not want 10,500 men to be at all calls, by reason the others are got already.

Thus, besides the said 504,000*l.* which may be saved each winter, by paying off the

great ships, there may be likewise saved 60,000*l.* at least in conduct, bounty, and imprest money, and the hiring vessels for pressing; so that by the whole, it appears, besides saving the king these vast sums yearly, his majesty will always have men on any occasion for his service, his ships may be ready to sail clean, and in good order: No pretence can be made use of for lying still for want of men, when the terrors of pressing, and frequent mischiefs attending it, are prevented, protections taken off, because no need of them: merchants and traders will have their liberty to traffic, to their own advantage, as well as the increase of their majesties customs, and the universal good and benefit of all their majesties kingdoms; those concerned are generally willing to it, wishing it had been done before, for that it would have saved them a great deal of money; and if this be done, I shall have the satisfaction of serving their majesties effectually upon the French, for their barbarous usage to me; and I doubt not but it will have that effect, as not only to regain our ancient glory, and put us beyond the danger of being ever attempted by them (or any foreign enemy) for the future, but that their majesties royal navy may go and command where they please, and have none dare to oppose them.

And herein I have taken care, as near as may be, not to disoblige or reflect on any person: But it cannot be avoided, but that so great a public good will retrench the profit of some officers, as the secretary of the admiralty, and his clerks, &c. who may for that reason endeavour to obstruct and object against it; in which case I desire to be rightly understood, that what I do is purely for the service of their majesties and the kingdom, and not to bring a disadvantage to any man: But that they may not be sufferers for a general benefit, their majesties, if they so please, may compensate their loss by salary or otherwise, as their majesties shall think fit.

Provided always, that in case any of their majesties men of war lose her men in action, or by sickness or otherwise, and, being abroad, cannot be supplied from this office with safety to the ship, such ship for her security may impress as formerly, but so as not to disable any merchantman.

And in case this office be thus settled, and that the law-bill lately in being be revived and bestowed upon it, it is humbly proposed, besides what additional encouragement is given to seamen, wounded and disabled in their majesties ships of war, privateers, and merchantmen, that there shall be likewise two large schools erected, near a river's side, in some cheap country, where the children of all seamen killed in their majesties service, shall be taken into one of these schools, at twelve years of age, and be there taught the mathematics: That they shall lie in West India hammocks, which in the day-time may be put into lockers, that there may be no room lost for their lodgings, and every thing be in good order, so that then it will be wondered where they lie.

That there shall be a ship in the river near the school, where, on play-days, or other fit times, the boys shall go on board, and learn to splice and knot, reef and furl, &c. whereby they may know all the parts of a ship, and understand the mechanic part of a sailor, in two or three years time, as well as if they were at sea; and then they may be drawn off to sea every year, as occasion offers, when they will want nothing but to go to their sea-legs.

These youths, so drawn off yearly, shall be put out apprentice for three years, to commanders or lieutenants of men of war, or warrant officers in their majesties ships, and not for seven years to masters of merchantmen, as is done to the king's scholars in Christ-Church Hospital, where, after their majesties have been at great expence in their education for three years, and in putting them out apprentice at 40*l.* charge in money and clothes, they are bound for seven years to masters of merchant ships, who alone have the benefit of them, without the advantage to their majesties or the youths, though at their going out they are examined as to their qualification for the sea, and

perhaps are better artists than the masters they are put to; whereas, if they had never been taught any thing, or were even took out of the street, they might as well be put out for half the money, and the masters be bound to teach them as much as these; and after all the charge their majesties are and have been at on this account, and that there are ten drawn off to sea every year, for these eighteen years past, there are not now ten of them in their majesties service, though otherwise there might have been many, had they been bound to commanders or officers of men of war.

There are a great many people have entertained a notion that those bred up in merchantmen are better seamen than those bred up in men of war; but, to undeceive them in this particular, it is evident, that a cruising man of war in two months time, ploughs more sea, and wanders further between heaven and earth, than a merchant ship does in a year, by reason he chases every sail he sees, to discover what they are; when as a merchant ship, like a carrier's horse, goes only the direct road, to come at his port the nearest way he can; besides, he is heavy laden, so that a man of war runs two foot to his one: Then he is obliged to stay for freight, and often for convoy, which, taken altogether, often keeps him in port or harbour nine months in a year, whereas a cruising man of war, both as to action, the way of command, and otherwise, than by being seven years in a merchantmen[1]; but many hold this argument, hoping thereby to be thought to understand the sea.

The other school shall be for the sons of commanders killed in their majesties service, and the sons of gentlemen, that are willing to be bred up to sea, where they shall be taught every thing necessary to qualify them to make officers, as particularly, navigation, fortification, gunnery, languages, the exercise of pike and musket, &c. They shall be lodged in pretty decent apartments, and have tutors and good orders among them, sufficient for their education and instruction in things of this nature, which will be of great consequence to this kingdom; and then, when it is seen that this is well managed, it may be presumed many well-minded people, that have got estates by sea, and have no heirs to their own, may leave their estates or good legacies to the support and maintenance of these schools, which may properly be called the Academy for the Sea.

Encouragement for Commanders and Seamen in their Majesties Service, for taking the Enemies Ships, Goods, and Effects.

I. *That all privateers belonging to the enemy, who shall hereafter be taken by any of their majesties men of war, shall be forthwith condemned in the Admiralty Court, without any account given to the prize office, and be shared among the ship's company which so made her prize, pursuant to the usual method. This was done the last Dutch war, when the Swan privateer being taken by Captain Young, his then majesty, King Charles II. bought her of the said captain, and made her a man of war in the year* 1675. *As also the Hunter, in like manner bought of Sir John Berry.*

As to privateers, that great encouragement ought to be given for the taking of them, by reason they are in a state of war and defence, whereby their majesties commanders do come to an engagement with them, and oft find them well manned, whereby they not only destroy those ships of prey, which greatly disturb the traffic and commerce of that kingdom, but kill and lessen the number of their marines, and consequently destroys the naval force of the enemy, and leaves our merchantmen the better liberty to trade.

[1] *Sic in orig.* There seems a member of the sentence wanting.

All ships of merchandise, &c. taken out of the enemies harbours, ports, creeks, or from and under any castle, fortification, or fort, or off, or from the shore, or at anchor under any headland, by any of their majesties men of war, together with any goods, effects, and merchandise, that shall be seized by them, shall be condemned in the Admiralty, and shared as aforesaid.

That all commanders that shall take the enemies ships by dint of sword from under their guns, ought to have the encouragement thereof, for that they run an extreme risk, hazard, and danger of their lives, thereby giving the enemy constant alarms, making the people uneasy, and putting them to a great charge in guarding their coasts, besides bringing an advantage to their majesties in their customs, of such goods so taken thence; and that if the prize be taken at anchor, it may nevertheless not be disputed, for that it is to be supposed all men, during the time of war, will anchor in as great safety as may be.

III. *All merchants ships and goods belonging to the enemy, and taken as prize at sea, on board all foreigners, viz. Swedes, Danes, Portuguese, and other nations, that shall be when trading with their majesties enemies, with contraband goods, shall be condemned in the Admiralty, and one-third of her lading so condemned, be given to the captain, officers, and seamen, that so took her as prize, and paid to the captain as soon as the commissioners receive the money, and not according to the former method, at ten days after payment of the man of war, which is not sometimes till two or three years after.*

That this encouragement will put the commanders to a strict searching of all foreign ships for contraband goods, which otherwise would slightly be viewed, or for a small sum of money prevailed upon to suffer them to pursue their several voyages, to the great disservice of the nation; but the hopes of this will put them upon the contrary design.

IV. *That all salvage adjudged for retaking any ship, shall be distributed to the captain and ship's company, according to ancient custom, as likewise one-third part of the goods taken and condemned for Swedes and Danes, &c. Whereas now if those ships be not condemned, the captor has no benefit of the goods that are condemned, through the want of a proclamation made full to that purpose, which is very hard upon the poor sailors in their majesties service, who by that means have got nothing all the war.*

This encouragement will hinder any embezzlement being made after retaking a ship, and cause the captain to take more care in seeing her brought safe into port. And by this the poor sailors will be certain of getting something, when their proportion is ascertained by proclamation; whereas at present, if one of their majesties ships weakens herself to send a Swede or Dane into port, he may be in danger by happening to meet with one of his own rank; and besides, the seamen put on board the Swede or Dane are in danger of having the ship retaken, and being carried into France, where they suffer great hardship, and for all this, as the case now is, have no benefit, if the ship as well as the goods be not condemned.

V. *That all commanders that shall meet with and fight the enemy, to the utmost extremity, and being overpowered, shall happen to be taken, and his ship sunk,*

That the encouragement mentioned therein will put all commanders upon the emulation of behaving themselves valiantly, to the utmost extremity; encourage

burnt, or so extremely disabled, that they cannot carry her off, but are either forced to sink or burn her themselves, the said commander shall be allowed the full value of what he makes out to have lost by the said capture, and shall receive his full pay for the time of his captivity; and in case he the said captain be disabled in his limbs or body, as not being able any more to go to sea, shall have a pension during the interval, or shall be otherwise taken care of and provided for.

the nobility and gentry to send their younger children to sea, when as they find that the government makes a competent provision for them (as now the contrary has a different effect), and this article being the case of a great many honest gentlemen, it is the rather hoped will be taken into consideration, for that it is of great consequence to their majesties service, and generally observed in all governments, that rewarding well, and punishing well, is the chief means of being well served; therefore it is hoped this will be put into execution for encouragement at sea, which is our chiefest strength.

How to share a Prize taken by a Man of War.

Reasons for the Sharing a Prize, according to the Method on the other Side.

I. *The moiety of what the king gives in any prize is to the captain, and the money paid into his hands, to be shared among the ship's company, after paying one-fifth part to the commander-in-chief of the squadron, or fleet; though Admiral Russel has been so generous not to take any thing on that account during this war. I should be glad that I could say so of all the rest of the flag-officers.*

The captain having a moiety, is in regard of his being answerable for any plunder made before the said prize be brought into port, and delivered into the prize-office, in which case he also loses his own share; and as he has the care and conduct of the ship, and is liable to answer for all misdemeanors, it is thought reasonable he should be allowed one-half, according to ancient custom, and have the distribution of all such money, as the king in his bounty shall think fit to give in such case.

II. *The lieutenant or lieutenants, are to have seven shares.*

The lieutenants having seven shares (which is one share more than the master has) is in respect to his commission, and that he commands the master.

III. *The master six shares.*

The master having six shares (which is one more than the rest of the warrant-officers) is in regard he commands them.

IV. *The minister, chirurgeon, and all warrant-officers, five shares.*

The masters-mates, though not warrant-officers, have five shares as well as they, in regard upon the watch they command the warrant-officers.

V. *Masters-mates, as warrant-officers, five shares.*

VI. *Midshipmen three shares.*

The midshipmen have three shares, as being officers, and having a command over the seamen.

VII. *Gunners-mates, boatswains-mates, carpenters-mates, mates, chirurgeons-mates, and all of that degree, to have three shares.*

The warrant-officers mates, having command of their respective crews, are thought fit to have three shares.

VIII. *Quarter-masters, quarter-gunners, cockswains, corporals, and all of that rank, to have two shares.*

The other small officers have two shares, to make a distinction betwixt them and the seamen.

IX. *And so able seamen and ordinary seamen to have one share each.*

If this be put into a proclamation, that all men may know what their respective shares and prizes taken will be, it will cause a great easiness in the fleet, prevent animosities, and making parties there, which are more likely on this account than any other, and if any such divisions there be, their majesties and the kingdom are the losers by it.

The reasons of the differences betwixt the captains of men of war, and commissioners of the prizes, are, first, the undue appraisements; secondly, the great embezzlements which they meet with from prize-officers, which often put the captains upon plundering the ships before they deliver them in.

To prevent these inconveniences, the following proposals are humbly offered, whereby the king may not be cheated, and the captain and ship's company may have right done them.

Proposals.	*The Reasons.*
I. *When any captain shall bring or send a prize into port, and deliver her into the prize-office appointed for the appraisement of the said prize, on behalf of the king, the captain to be there, or to choose two others in his absence, whose names shall be sent to the commissioners of prizes, who shall give them power to act along with the two custom-house officers, and prize-officers, in the appraisement of the said prize.*	Two custom-house officers are conceived necessary to be joined with the two prize-officers, that the king may not be defrauded of his customs as formerly, and the captain being there, or two in his behalf, will prevent any fraud to the king, himself, or the ship's company.
II. *That for the advantage and encouragement of the buyers, the goods shall be appraised in small quantities, (and not whole ships cargoes together, as formerly) which will be a great augmentation to the price.*	That the goods appraised in small quantities will give liberty to small merchants to buy, whereby the price will be much augmented, to the advantage both of the king and captain, &c.
III. *That the said goods so appraised, be sold afterwards by inch of candle, and set up at the price appraised, by which means the value will again be augmented, and prevent any thing of fraud.*	The goods being sold by inch of candle, and appraised, will prevent any fraud or private contract, which wrongs either king or subjects, and will much heighten the value of goods.
IV. *The sale will be free and public, and timely notice given to all persons, particularly to the appraisers, who shall be allowed to bid, so that neither the king nor the captain be wronged.*	The sale being free and public, the appraisers, custom and prize-officers, are free to bid, being to be sold to the best chapman.

It is conceived necessary, that there be a seaman comptroller of the prize-office, which would be a great advantage to their majesties, and make all sides easy.

Encouragement for English Privateers.

1. That such English private men of war as shall take any French or other enemies privateers or ships, having letters of mart, may have the whole, without payment of tenths; by reason in doing this, they venture their lives and estates for the public good, such prizes being but of small value.

2. That all such prizes as shall be taken off the enemies shore, or at anchor under any fort or castle, or within any port, harbour, road, headland, or creek of the enemies

country, may pay no tenths, by reason of the great hazard and danger the men thereby run of their lives, and of losing their vessels, which will not be done without encouragement.

3. That they may pay no tenths for any salvage that shall be adjudged to them for retaking any English or friend's ship, by reason they have often retaken small vessels, for which they have had but a fifth part, amounting to not above the charge of bringing them in, and the charges of the law, and yet have been obliged to pay tenths of such fifths, to their great discouragement, the which is so much the more reasonable to be condescended to, for that several ships have been retaken, which have paid his majesty 2 or 3000*l.* each for custom.

4. That whereas many ships that have lain in ports, harbours, and roads of this kingdom, without any seizure or molestation of the vice-admirals or governors, have been found out to be the enemies goods, and seized by private men of war, and condemned as prize, the said vice-admirals or governors have very much obstructed them in the condemnation thereof, and sometimes after condemnation have claimed the same use, or the use of their majesties, to the great discouragement of private men of war, without whose diligence and intelligence they had never been discovered or seized: Therefore it is proposed, that in such cases they may have no molestation or impediment, but have their prizes according to their commissions, which grant them all they shall take, as well in ports or harbours, as upon the sea.

5. That the tenths of other prizes may be remitted to them concerned in private men of war, for their encouragement, for the reasons following, viz.

I. The French king doth at this time do the same, which hath so encouraged their privateers, that they have fitted out many ships of good force, and much annoyed and disturbed our trade; the French privateers having taken about 600 of our ships, whereas their men of war have not taken sixty.

II. This encouragement will enable the concerned to fit out better ships than now they have, and get men to man them by contracting to take care of all such men as shall be wounded, and the wives and families of them that shall be killed or drowned, which at present they cannot afford to do.

III. There is more reason to make this remission of tenths to the English private men of war, than the French, in regard to the prohibition, and the small trade of France.

6. Whereas it may be objected, that unless some officers be put on board each prize, the private men of war will be at liberty to do what they please, and such officers cannot be maintained without duties to bear the charge, it is answered, that each private man of war, at the taking out of his commission, doth not only oblige his ship, self, and owners, but also gives two other sufficient securities, in 300*l.* or 1500*l.* bond, not to abuse their majesties subjects or allies, but to make satisfaction for all injuries done by them, and to pay customs, &c. And, besides, the custom-house officers presently put waiters on board, to look after the customs, which the private men of war pay themselves, without charge to their majesties; and by this proposed encouragement, the customs will be increased by the prize-ships, so that it will pay twenty times more than their majesties have or will receive for tenths: And, besides, the encouragement of English private men of war will be very beneficial to this kingdom, not only in the increasing of customs, and weakening the enemy as aforesaid, but in breeding of seamen, they being obliged, by their bonds, to carry two-thirds landmen, and but one-third of their complement seamen.

7. And if it be objected, that by thus remitting the tenths, the advocate, receiver, &c., employed therein, will lose their salaries, the proposer humbly hopes it will not be thought reasonable that the private interest of two or three persons, without advan-

tage to the king or government, should be preferred before so great a publick good, as this encouragement would be both to the king and kingdom.

Lastly, It is demonstrable, that this encouragement to privateers will prove of no small advantage to his majesty's custom; for example, they frequently retake rich ships, prevent ships being taken, and one ship retaken oftentimes brings in more customs to his majesty than the tenths will amount to in a whole year; so that both his majesty and subjects will be much the gainers by this means: Therefore, it is to be hoped these proposals will meet with their majesties compliance, for that their majesties may at first give it only for a year, or what time they shall think fit, to see the advantage of it, and afterwards to do therein as they please.

An Essay upon Taxes, calculated for the present Juncture of Affairs in England.

By the Marquis of Hallifax. 1693.

It is said by Bishop Burnet, that the Marquis of Halifax, so remarkable as a statesman during three reigns, when driven from King William's cabinet by the Whigs, in 1693, went into the measures of the Tories and Jacobites, and uniformly studied to give the government all the trouble he could. The following sensible and moderate treatise holds a different and more patriotic language, since it urges the continuance of the continental war, as the only means of preserving the government of King William, and constitution of England, and reprobates the idea of recalling James, or of stooping to solicit a peace with France.

Since it is of the last consequence to every true Englishman, that the present war should be carried on for the preservation of our liberties and religion, against the common enemy of both; and notwithstanding the false and foolish insinuations of some discontented Jacobites, That a peace with France were more necessary than a war; and that it is more carried on for the sake of others than ourselves; and that, if it were necessary, it might be better carried on by ourselves alone, than in conjunction with confederates; and that the only way to secure our religion and liberty, obtain a safe and secure peace, and avoid the great burthens we are subject to for the carrying on the war, were to cast off the present government, and take measures with King James and the King of France; yet there is nothing more clear than that these notions are altogether absurd and impracticable; and that the true meaning of it is only to give up all that is dear to us, into the hands of two princes, who have always preferred the design of subverting our religion and liberties, to all other considerations whatsoever; and that it is much better to fight for Flanders than for England, and in conjunction with confederates, than alone, is what will bear no dispute. All that admits of a doubt is, what are the best means and methods to carry on this war. As to the first, relating only to the raising of aids sufficient for this undertaking, I thought I could not do a more acceptable service to my country, than at this time to contribute

my poor endeavours. As to the latter, relating to the military designs, and manner of executing them, I must acknowledge myself wholly incompetent, both by my education and experience, and shall choose therefore to recommend that matter, with my good wishes, to those whose providence it is, and especially to my sovereign, whom I judge must needs be better informed in this matter than any other prince or person whatsoever.

The method I shall pursue to set this matter in a clear light, shall be to lay down some general rules or maxims by which our ancestors have steered in the laying of impositions, which had great regard to the constitution of the government, and condition of the people, and therefore are not easily to be departed from.

In the next place, I shall endeavour to examine the several taxes that are now in use, and such foreign taxes and projects as are most in vogue, and by some thought to be more eligible to be introduced, especially that of a home-excise, and shew how far they are consistent or inconsistent with the government, ease, and liberty of the people; and, in the last place, upon the whole, offer my opinion what are the best methods and expedients to raise money by.

As to the matter of those aids, our ancestors have observed these rules:

First, They must not consist of things of common necessity or livelihood, but rather superfluity.

Secondly, They must not burthen our native commodities and manufactures, materials, or other things relating thereunto.

Thirdly, They have always avoided to impose upon things wherein the people had no benefit or advantage, but rather upon land, trade, and other gainful professions.

Rot. Parliam. 9 Edw. 3d. nu. 5. *Vide* C. Instit. 4 Part. fol. 34.

Fourthly, They have always avoided new and foreign taxes; and, when proposed, have declared they could not grant them without advising with those that sent them, and several rebellions have happened on this occasion.

Fifthly, They have had always great regard to the condition of the several ranks of men among us, to support them in the condition they are in, and consequently to preserve the monarchy.

Sixthly, To charge money and personal estate not employed in trade, double to land and trade.

Seventhly, Above all, that equality should be observed in the imposition.

As to the persons, these rules were observed: First, The dignified clergy usually gave double to the laity, considering that they were freed from all personal services, and most other taxes; that their revenues were all upon old rents, not subject to defalcations, repairs, or loss by tenants, or for want of them, or other diminution; and had great advantages in point of fines by renewal. And as for the other clergy, their tythes, and other profits, came into their hands with little charge, and that as well the dignified, as others, were provided for by laws, not to come in by purchase, but free gift, and are now exempted from all foreign payments to Rome, and its dependance, to which all foreign popish clergy are subject.

Secondly, As to the greater and lesser nobility, they were always treated favourably, being the chief basis and support of the monarchy, and were allowed for their port and necessary support of their dignities, and did rarely exceed in the payment of their subsidy, the sum of 20*l.* for 1000*l.* which they called a spareable part.

Thirdly, As to the rich usurer, or tradesman, whose family and expence was small, and gains great, and escaped most burthens, as not being so visible as lands; and the considerable free-holder, whose estate is generally held in his own hands, and managed by himself, and consequently was less discovered than the nobleman and gentleman's that were rented, and made both the profit of landlord and tenant; which, according to the old maxim, is double the rent in greensod, and treble in arable; the charge of the latter amounting to a third more than greensod: So that, in truth, they

have all their livelihood allowed, and more in the value; and none of all these being obliged by their quality or custom to any port, and are the proper basis of a democracy, or commonwealth; these were generally rated more strictly without any allowance, to prevent the increase of their number and growth.

Fourthly, The common artificer and labourer having a dependence upon the nobility and gentry, and not being able to subsist without them, and consequently a farther support to the monarchy, were usually exempted, unless by reason of money or personal estate they fell within the limits of the subsidy; from hence grew that ancient saying, that in taxes, *size cinq*, was to be easy, *quatretrois*, to be fully charged, and *deaux ace*, to be exempted. Nevertheless, in the poll-acts, which came but rarely, these inferior sort were sometimes brought in to bear their part.

Fifthly, As to the *quantum*, manner of collection, and equality of imposition, these rules were observed: First, That it did not exceed, by any means, the common necessity; and that the prince, as well as the parliament, should shew a great tenderness of the people in their demands and levies upon them; of which we have a notable instance in Q. Elizabeth, who released half the subsidies granted her, when her occasions did not require it, which had a mighty influence upon future grants. And 'tis observable, that all those princes who have not stretched prerogative to levy taxes not warrantable by law, or to levy them with too much rigour and exactness, or to impoverish the people, and have expressed a care and regard to their ease, wealth, and welfare, have ever been the most fortunate, great, and prosperous, contrary to the maxims of the present age.

As to the manner of collection, they have taken great care that there should be as much ease, and as little charge to the king or people in the collection as may be, by the multiplication of officers, penalties, or subjecting their houses or estates to the enquiries or informations of officers, &c.

As to the equality of imposition, this has been strictly observed, being always the same rate in the pound. Nevertheless, with such qualifications and exceptions, as made it rather a moral equality, than a mathematical one, having respect to the condition of the persons, as I have before shewed. Limiting the sums both for real and personal estates, below which they should not be charged, viz. allowing defalcations for debts to be ascertained by the oaths of the parties charged, and for the decay of cities and towns in tenths and fifteenths.

Lastly, In all cases the king appointed the commissioners generally of persons unconcerned in the places where they acted, and at his own charge, that it might be done with the more indifference and equality, to whom, in truth, by the constitution, the appointing of all officers for the execution of the laws does belong; and once at least in every age, as I could easily shew, the parliament had granted that the commissioners and assessors should be sworn, and have liberty to examine all persons, not exempting the parties themselves, upon oath, for the better discovery of their real and personal estates, that length of time might not produce too great an inequality, and that the aids might be improved in some proportion to the value of things, of labour, and of service, and the improvement of the wealth of the people.

As to the second point concerning the taxes now in being, or in vogue? And first, as to the land-tax, or monthly assessment, being nothing but a military contribution taken up in the civil war, and proportion to the condition of the kingdom, as it then stood forty years ago; the inequality is so exorbitant, both between county and county, division and division, parish and parish, and impossible to be rectified without a punctual survey of the whole, and lying wholly upon the landlord, where estates are not upon lives or fines; wherein the dignified clergy pay not one groat, nor money, nor personal estate come into the aid; and which lies so heavy upon the nobility and gentry above all others, to the weakening and diminishing their estates, who are the

chief support of the monarchy; I take it to be the most impolitic and unreasonable method of raising great sums by, that ever was introduced in any nation, and impossible to be long borne and continued.

Secondly, As to the double excise; though this has some influence upon our barley and malt, and lies hardest upon our inn-keepers and ale-house keepers, by the discouragement of the vent, yet, were the armies well paid, which is their greater hardship, I see no great inconveniency in the continuance of it, during this occasion of the war, especially since it introduces no new charge in the collection, nor subjects any new persons to penalties or officers.

Thirdly, As to the new impositions upon the customs, during this war at least, they may be borne, though that of sugars, which began before the war, may require some relief, at least when the war is ended.

Fourthly, The poll-tax, as it now stands, is grievous to the meaner sort, as to their children, and deserves to be better considered; and though much exclaimed against, yet is an ancient way of taxing upon extraordinary occasions; and in all other things far more equal than the former were, which taxed titles and professions alike: And though it be objected, that all noblemen and gentlemen pay alike, notwithstanding the difference of estates, yet, considering that the lands are all under a double tax, and that they multiply that tax according to the horses that they find in the militia, I think they are sufficiently charged, and much more equal than in former methods; and that this tax is not wholly to be laid aside, but may be easily rectified and made useful.

As to new projects that have been much discoursed of, I shall reduce them to two heads, first, Things of large credit, upon some perpetual funds; and, secondly, The home excises. As to the first, there are two difficulties to be overcome to make these practicable; first, to find out such a fund, which, if upon the present revenue, will be a lessening of it; if upon any fund being perpetual, may meet with some difficulties in the grant; and, in the next place, the novelty of the thing, the loss of a principal for a perpetual interest, or the long distance of time, if it be repaid, upon which calculation all these projects are founded; the breach of the exchequer credit by King Charles, and ever since, and the frequent breaking of the bankers, will make men very shy of parting with their money upon new projects at a distance. Nevertheless, if it were tried for a small sum at the beginning, it having been experienced to be so useful, beneficial, and practicable by our neighbours, the Dutch, and is in itself very reasonable, it might gain some place and credit here, and would supply the want of money in specie, which, for want of bringing our coin down to the value of silver and gold, the obstruction and balance of trade, and the occasions for money abroad to our armies and confederates, is so much lessened, that it does very much require some expedient, especially when public taxes are so great.

In the next place, I shall proceed to consider of that of raising monies by excise upon our home commodities.

First, A general excise upon home commodities is a real land-tax, and will have the same influence upon the value of lands and rents, as that we call a land-tax, or monthly-assessment, hath; and will raise at least seven, if not ten times as much, and consequently be as bad as a land-tax so many times double. Which I thus prove: The difference must be either in the matter or the manner.

As to the matter first; A general excise upon home-commodities, and a land-tax, or monthly contribution, differ not essentially, since both are a duty upon the same commodities, which are the product of land; only in this their main difference consists, That a monthly contribution is a composition in gross *per mensem*, for all the commodities the land produceth, and a general excise is by retail upon every particular and parcel thereof.

As to the manner, their main difference consists in three things: First, As to persons

that pay it. Secondly, As to the time of payment. Thirdly, As to the equality of the imposition. All which shall be considered in this second head.

Secondly, That it will have the same influence as a monthly contribution so many times double, and not prove an insensible tax, as is commonly alledged, will easily appear by considering two things: First, Whether it will chiefly lie upon the buyer or the seller, and consequently cause a rise or fall upon commodities. Secondly, Whether it be likely, in point of time and equality, to afford any considerable advantage to the seller.

As to the first. It must be measured by the necessity of the buyer or seller; for it is an undoubted truth, that if the necessity of the buyer be greater than the seller, the market will rise; but if that of the seller be greater than the buyer, the price of commodities must fall; and any duty laid upon commodities will lie upon either accordingly. But as to the present case in England, I think there is nothing more apparent, than the plenty of home-commodities, and the want of people to consume them, which is in truth the principal cause of the present fall of rents, and the price of commodities: the consequence of which necessarily will be, That whatever duty is imposed upon the commodity, the buyer will have it so much the cheaper, since it is in his choice of whom to buy, and indeed who shall sell, and who not. As to the time and equality, it must be allowed that the excise hath some advantage of the land-tax, since the time of payment is not until sale, and all men seem to pay alike for the same thing; yet when it shall be considered, that most of the trade of this kind is upon credit, and not for ready-money, and that when ready-money is paid, a great abatement of the price is expected: and that the commodity doth vastly differ in price and goodness, and yet shall pay all alike, as beef, mutton, and corn, &c. and, above all, that the commodity will be burthened above seven fold by this payment in parcels; it will be found these advantages will be much over-balanced; to which I may add the vast charge, trouble, and slavery in the collection, which draw forth from the subject twice as much as will come to the king's coffers, and beget an army of officers, and a further army of soldiers to second them; a consideration of importance, more than all the rest, and renders it of all practices the worst.

Secondly, A general home-excise will destroy trade, which will appear thus: Whether the fund of trade in England be money, or home-commodities; now there is nothing more evident, than that the main trade of England is in the return of our home-commodities, and not that of money, which is the main that the Dutch trade is driven withal, they having few commodities of their own countries to export, nor indeed enough to support the 20th part of their own people, which renders this kind of tax most proper there, though very destructive here, all impositions still discouraging the vent of the commodities on which they are imposed, as the experience of all former times and places doth abundantly prove; besides the great consumption of all foreign commodities here, is by such as have dependence on the product of their country, and not upon trade, as they all do in Holland; the vent of which, if discouraged or lessened, abates the foreign trade likewise, and the commodities imposed upon there, are most foreign, but here native; and estates there personal, but here real.

Thirdly, This will overthrow the substance of all the nobility and gentry of England by the fall of the value of their lands and rents; for if the present land-tax hath produced an effect to such a degree already, and that by experience we find the land-tax draws more money out of the country than what it can bear, disabling the tenant to pay his rent, or carry on the trade in the country, otherwise than upon credit, what must the case be when seven or ten times as much will be raised upon the same thing by this new way?

Fourthly, A general excise puts an end to theuse of parliaments, and quite changes the present condition of the government; for having already given duties in all foreign

commodities, should they admit of this upon native, there were no more to be given, nor could it be carried on without a military power to second it, and might possibly hazard the government itself, if the people should not swallow it; and if once got up, will never be laid down.

Fifthly, It can be of no use to a present supply, since it will ask a long time to settle it; and neither afford much money, or credit, till it be so settled; and that the experiment be tried, whether it can, or will be borne, which this town, under the oppression of a war and power of an army, would not yield to.

If it be objected, "That the Dutch raise greater sums thereby than we can any other way, and by that are enabled to make war more powerfully than we."

This is a perfect mistake; for their excise is not able to answer the ordinary charge of the government, and is in truth their ordinary revenue; and their war is maintained by their 200, and 100 penny-tax, by way of our subsidy upon personal estate.

Sixthly, That this will raise near thrice as much as will come to the king, will thus appear: In the vent of all our home-commodities, especially in any considerable quantities, there is one at least that goes between the grower and first seller, and the consumer; as the maltster, and brewer, or alehouse-keeper, between the barley and the drink; the engrosser, mealman or baker, between our wheat and our bread; the butchers between our meat; and the butcher and tallow-chandler between our suet and candles; the higler, carrier, or poulterer, between our poultrey and wild-fowl; iron, lead, wool, tin, leather, and salt, between the first founder and maker, their retailers, and other trades that are employed in the manufactures that are made of them. Now it cannot reasonably be supposed, that whoever is the first buyer of these things, or any other that goes between the buyer and the consumer, will pay the full price to the grower, and pay the duty of excise out of his own purse, which will require a greater stock; and gather it in again of the consumer, without interest, or profit, much of which trade will be upon credit, some of it comes short home, especially since it is in his power to abate it in the price from the first grower.

Nevertheless, he will certainly raise it in the price to the consumer again; and so the penny will be doubled, and probably raise the price more than the duty, upon supposition that he pays the duty, and may come to be a loser by it; and this being dispersed all the kingdom over, must needs create a vast number of officers and charge in the collection to the king; to which I may add, the great penalties with which it must be supported and attended; and the keenness of the officers to exact them, and the great discouragement all this will bring upon the consumption, with the great disturbance and slavery that it will bring upon the people, to have their houses subjected to the searches of officers, and their persons and estates to entries of goods and to penalties upon that account. Now the case is not the same in Holland as to any of the particulars before-mentioned, as will appear by these following:

First, For that it is their interest to discourage the consumption, and to occasion parsimony, most of the commodities being foreign; and to encourage the export of them, upon which their whole trade and livelihood depends, but ours the quite contrary.

Secondly, They can certainly raise the price upon the first buyer, because of the scarcity of the commodity; and that besides that little which the country affords, 'tis all in the hands of some few merchants or engrossers; and the necessity of the buyer is far greater than that of the seller, through the multitude of inhabitants, and the smallness of the product for necessaries for life.

Thirdly, Their collection is very easy and cheap; for the merchant secures the excise upon his first entry at the custom-house; and for the rest, they have no market but in walled and populous towns; so that it is all collected there with few hands, and little trouble to the people.

Lastly, All the excises of Holland, both upon foreign commodities and home, though multiplied and advanced to the last degree, together with the other revenues that belong to the crown of Spain, and the church, have been computed but at two millions a year, monasteries and tythes included, and are anticipated by debts for several years; and but sufficient to pay the interest; and 'tis the 200 penny, and 100 penny upon personal estates; that is the thing that supports their wars upon extraordinary occasions; and therefore probably the excises here will not raise such sums as we imagine, especially upon some few things; and yet the charge, slavery, and the inconveniences before mentioned, will be equal; and the hazard the government will run in rendering it odious and disgustful to the people, are so great; and, above all, it can turn to no account but for a continuance of time; and that it is a foundation for any government, or ambitious prince that would subvert the constitution, and enslave the people, to support an army, and carry on his designs if once introduced, by the continuance of it; and therefore I think no Englishman will be willing to make the experiment.

As to the last particular I undertook, which was to give my opinion what methods were the most eligible to raise money by, having in some measure prevented it by passing my censure upon those that are now in practice and vogue, I shall conclude all with proposing that of the ancient way of subsidy upon a true pound rate, according to the wisdom and constant practice of our ancestors, as the most equal, most reasonable, and most suitable to our constitution; and therefore most eligible above all others: which I shall endeavour to prove by these arguments following, and by answering those objections that are usually made against it.

But before I come to these particulars, I think it necessary to give some general account of the ancient form and method of subsidies, tenths, and fifteenths; the two latter having been totally disused, and the former but rarely, and not pursuant to the old method, since the beginning of the civil war; a subsidy before the war did usually amount to 70,000 pound, the last subsidy-book being the rule by which the future were given; wherein every man's land was valued at a certain rate beyond reprises; and this was not altered but once in an age, when there was an act made on purpose to make a review by the oaths of the commissioners, assessors, and examination of the parties themselves, or any other person knowing therein; and all the variation otherwise in the subsidies, was in the personal estate and money, and the allowance for debts, and a great number of children, to which they had regard upon application made by the parties, pursuant to the provision in those acts; all persons under five pound in personal, and three pound in real, as formerly rated in the king's books above reprises, were excepted; and all goods and stock in trade and household-stuff, except wearing apparel, were included: And a subsidy was four shillings in the pound upon real estate, and two shillings eight-pence upon personal, payable by two payments. And although two shillings eight-pence may seem to be less upon goods, than four shillings upon lands, yet when it is considered, that lands are rated according to the annual profits, and not their intrinsic value of purchase, and that this is almost treble the profit of money at five per cent. and that all other goods have no profit or interest to attend them, personal estate is more than doubly charged, as I have before asserted.

Vide L. Coke's Instit. 4. pa. 33 and 34.

As to the tenths and fifteenths, they were a certain rate imposed on cities, towns, and boroughs, in respect of their moveable goods, and did amount to about 20,000*l.*, but there was usually a clause to reserve a sum for such cities and towns as were decayed.

As to the arguments for the subsidy or pound-rate, having said so much already, I shall reduce them to very few heads.

First, that it is equal in the imposition, nobody can deny, nor that none can pay more than he is rated, by any body's being undervalued.

Secondly, That it is made more equal and reasonable by the allowance of debts,

empty houses, drowned or unprofitable lands; but as for lands let or unlet, since the profits may be made in hand, as well as otherwise, there was never any allowance, the reasons not being the same with houses, which are a burthen, and yield no profit.

Thirdly, Here the clergy, and all that have estates upon old rents, and personal estates in money, goods, &c. shall pay, though the assessments brought in the full value, yet the commissioners did make an allowance for the port of the person, according to his quality.

But I come now to those objections which are usually made against it, viz.

First, That it is impracticable, as late experience hath proved.

And, Secondly, That it will not raise such sums as are requisite for the present juncture.

To the first of these I answer, That the experience of all former ages is a sufficient evidence; and the reasons of the late failure have been two visible ones.

First, The countenance that the monthly assessment hath met with from the court, and the discountenance this hath found, when the parliament granted the first 12*d.* aid, and the king to name commissioners, that they put in all the same again which were in the monthly assessment, which, as it was the highest disservice imaginable to the crown, in favour of their particular countries, so it is like to prove the most fatal to the nation, disabling it to raise any great sums from the great inequality of it, and inclining the party oppressed to embrace any new project that may hazard the present government, or prove destructive to the nation.

Secondly, The zealous endeavours of the western and northern members to continue the monthly assessment, which is so favourable to them, which, when they consider the consequences beforementioned, I hope will be no longer insisted on, at such a time as this, when all that's dear to them is at stake. But to shew that this is easily practicable, if the parliament will follow the methods heretofore used by their ancestors, I shall refer you to the quotations in the margin,[1] and to those acts which you will find in the statutes at large, where the assessors were upon oath, and the commissioners named by the king with power to examine all persons upon oath. But if these methods be thought too rigorous, I propose that the commissioners may only be of his nomination, according to the right of the crown, and the practice of all ages, whose only power is to see the assessors do their duty to put the law in just execution, and that every man may be bound to deliver into the assessor the true value of the lands in the place where it lies, according as it is rented; and if in their hands, according to the highest value that it pays in parish-taxes, with any thing that is rented, under pain to forfeit a year's value for every concealment of all that he hath in that place. And that the commissioners have power to examine any other but the person himself, concerning the value of the lands, and the parish-taxes, in order to an equal pound-rate, and to levy the penalties upon concealments. And if it shall be thought reasonable to allow any thing for the port of the person, that it be ascertained by a tenth, or any other part to be deducted to the commissioners from persons above a certain quality, but to lose that benefit upon any concealment.

As to the not raising a considerable sum, there can by no way be so much raised as by this; for we find by experience, that the monthly assessment, though now screwed up higher than ever, does not raise above 1,651,702*l.* 18*s.*, but every 12*d.* in the pound will raise a million; and the four shillings that were given by way of 12*d.* aid the first year, would have raised four millions, which I prove thus: The monthly assessment,

[1] 32 Hen. 8. ca. 50, p. 715, the assessors and parties paying upon oath. 34 Hen. 8, ca. 28, p. 833, the same. 37 Hen. 8, ca. 25, p. 893, the same. 2 and 3 Edw. the 6th, ca. 36, p. 970 and 971, the same. 3 and 4 Edw. the 6th, ca. 23, p. 1004, 100, the same. 7 Edw. the 6th, ca. 12, p. 1052, 1053, the same. 4 and 5 Phil. and Mar. ca. 13, p. 1158 and 1159, the same.—*Orig. Note.*

at 70,000*l.* per *mensem*, raises 840,000*l.* per annum; and of this I am sure not near a third part of England pays above 12*d.* in the pound, and some not above three-pence, and so upward to a shilling: Now if these two-thirds were brought to pay a shilling, and the others reduced, I leave it to any reasonable man to judge, whether the remaining 160,000*l.* would not have been raised, especially if money and personal estate are called in to aid; and this I shall observe to you, that all the home-excise of the province of Holland, as I have been credibly informed, do not raise above a million, and the rest of the provinces not above half a one, though multiplied and extended to the utmost; and therefore, if laid only upon some few things here, would not raise such sums as are imagined, and for that reason also not worth the experiment, to change the ancient methods of our ancestors, which will be found in the conclusion the most equal and reasonable of all others.

Postscript.

This paper being writ and calculated for the year 1692, before the parliament sat, and had adjusted their aids, a full and successful experiment has been made for a million upon a perpetual fund, and probably might bear half a million more, if the time for subscription and fund were enlarged; there has also been trial of another 4*s.* pound-rate, which, by reason all oaths were waved, and very small penalties put upon the concealment, and the commissioners not of the king's nomination, as I am informed, hath fallen short of the two millions that were expected from it; so that other methods must be taken, as are herein before proposed, if you would make it any thing equal or effectual. There has also been new impositions laid on several commodities, which, by the neglect and miscarriage of convoys, and want of station-ships and cruizers to clear the channel from privateers, as to trade in general, but more particularly to the Mediterranean, Turkey, and West-India trade, have produced but very little; also the duties upon sugar have been wholly taken off, which might have been borne during the war. These things I thought necessary to observe, since they have made alterations in some matters contained in this essay.

A Treatise, shewing how useful, safe, reasonable, and beneficial, the Enrolling and Registering of all Conveyances of Lands may be to Inhabitants of this Kingdom.

By Lord Chief Justice Hale. *Anno* 1694.

This Treatise is not mentioned in any list of the works of the eminent judge to whom it is ascribed. The system of registering all deeds affecting the sale or mortgage of landed property, has been adopted in Scotland with great advantage. But though frequently proposed, there

have been found great practical difficulties in the introduction of such a system into the law of England.

In the business in agitation touching enrolling of deeds, these things are considerable.

1. The mischief propounded to be remedied.
2. The remedy to be applied.

The mischiefs at present to be remedied are,

1. The great deceit committed by persons by secret judgments, mortgages, conveyances, and settlements, whereby purchasers are oftentimes deceived, and creditors defeated: And this the more considerable in England, because indeed the great inland trade we have, is the trade of buying and selling of lands, and the great security that is ordinarily given to creditors and lenders of money, is by security of land.

2. The multitude of chargeable and difficult suits in law, occasioned by preconveyances, secret mortgages and other incumbrances, which probably would be avoided and lessened, if all men's estates lay open to the view of others.

The remedy propounded is by an office of enrollment, or registry of conveyances.

In this, as in all other applications of remedies to any mischiefs, these things must be considered:

1. How, and by what means, the remedy may be commensurate to the mischief?
2. Whether the remedy, or the application thereof, in such manner as it may be commensurate to the mischief, be feasible or not?
3. Admit it to be, then what inconveniences may otherwise be introduced by the application of the remedy?
   1. If the inconveniences introduced by it be greater than the benefit it gives, the remedy is to be rejected.
   2. If the inconveniences thereby occasioned be over-weighed by the benefit, then it may be entertained.

But with due consideration or provision that those inconveniences introduced by the remedy, may, with as much prudence as may be, be obviated, prevented, removed, or very much allayed by suitable provisions against them.

The first of these considerations, namely, the application of the remedy in a due commensurateness to the mischiefs, must needs be by taking care that there be no room or inlet for any such deceit, by secret conveyances or incumbrances of estates: "For if any one leak be left unstopped, the vessel will sink as if more were open." And if any one device be left unprovided for, thither will fraudulent persons betake themselves, and get out of the remedy intended.

Therefore,

1. All judgments, statutes, and recognizances, must lie open to view, either by inrolling or registering them, because those charge lands.
2. All trusts touching estates must be enrolled or registered; for now, by the power of courts of equity, these do charge lands, and sometimes in the hands of the fourth or fifth purchaser, if there be proof of notice.
3. All mortgages, as well forfeited as not forfeited, defeazances in nature of mortgages, must be enrolled.
4. All powers of revocation and limiting of new uses, powers of letting or charging estates, must be registered or enrolled, for these may alter the title of lands, and are sometimes contained in distinct deeds, from the deed whereby the estate is settled.

5. All declarations of uses and trusts upon fines, recoveries, and other assurances.
6. All grants of rents, commons, profits, all conditions and reservations of rents.
7. All leases, for years or lives, made by any person either with rent, or without it.
8. In brief, All feoffments, grants, releases, confirmations, wills, forfeitures, escheats, commons, or whatsoever other estate or interest in them.

For if any of these be not enrolled or registered, or some way rendered open to the view of every person, a man may be cheated or deceived. And what is the odds, whether a man be deceived by a secret mortgage or judgment? or by a secret lease for lives or years, or by a secret settlement, or devise or will? And all these must be secret to him that hath no ready means to discover them: The remedy whereof is designed in this public registry.

And yet further, if the remedy be intended as large as the disease, this registry must not only look forward, but it must look backward, (viz.) that all estates and incumbrances now in being, as well as those that shall be hereafter, must be laid open to the view, otherwise the provision is not commensurate, there being in all probability a stock of latent incumbrances and charges upon lands, which may serve at least to deceive and cheat this present age, and the next also. Therefore, unless there be some notification of present incumbrances, as well as future, we but lay up a security, that it may be of use an hundred years hence, and leave the present and intervening ages in as bad, if not worse condition, than we find them.

Therefore, a remedy commensurate to the mischief must needs provide for the registering all estates and interests, and charges of lands, and that as well for the time past, as time to come; otherwise the plaister is too narrow for the sore.

2. The second consideration is, Whether this be possible to be done? Indeed, it is a fine thing in the theory and speculation, and a man that fixeth his thoughts upon the good that might come by such an expedient, without troubling himself with the difficulties that lie in the way to it, may drive it on very earnestly; but he that shall consider the difficulty of it, will easily see that it is but a notion and speculation, and cannot be effected or reduced into practice, at least not without immense confusion.

The difficulties that attend this design, are either such as relate to the enrolling of estates now in being; or, secondly, The enrolling of estates hereafter to be made or granted; or, thirdly, Such difficulties as relate to both.

1. The difficulties that attend the enrolling of estates now in being, or past, these seem insuperable. In order to the discovery hereof, we must suppose, that either every man shall be at liberty to enroll or register his estate, or he must lose his estate. If we suppose the former, then every man is still at liberty, as he was before, and nothing is effected by it.

If the latter, (viz.) That he shall lose if he do not enroll the estate he hath, or which is all one, it shall be in the power of him that enrolls a subsequent title, to make the former, not enrolled, void; then either that enrollment or registry, must be barely of his claim, or some abstract of his title, or he must enroll the tenor of the deed, or evidence by which he claims.

If we shall suppose the former, then these things will be considerable. First, What if he doth in some things make his claim? It may be he thinks he has an estate in fee-simple, when it is but in tail; it may be an estate absolute, when it is conditional. Certainly he that claims by an abstract had need of a very good counsel at his elbow, to give him sound and uncontroulable advice in drawing it up, otherwise he that hath a good title may lose it for want of a right abstract of his title by which he claims. Surely, therefore, every man that hath a good title, and can possibly come by the deed or evidence by which he claims it, will enroll his deed at large, for fear he should omit any thing essential to his title. Secondly, Or else it is intended, that though he mistake his title, yet if he enter as much as he thinks fit, it shall be sufficient to preserve

his estate. And if this be intended, the whole design of registering and inrolling will end in a public deceit and insecurity, when, perchance in the event, the estate or interest claimed, doth materially and substantially vary from what is registered. Thirdly, Again, if such an uncertain claim shall be allowed, not made good by deeds or evidences, this office will breed more disturbance in many estates, than any imaginable deceits or frauds besides can equal; for any man shall at a venture make what claims, and set up what pretences, he pleases to any man's estate in England, and shall be admitted to enroll them in the registry, and the person injured shall be either remediless, or driven to more suits and expences, to vindicate his title, than now he is necessitated unto, to discover a fraud in a seller.

It remains therefore necessary, that whosoever will enroll any thing in being, he must produce some authentic deed, or other record, to warrant what he would have enrolled, and then there must be enrolled at least so much of the deed, or evidence that concerns, First, The parties, granter and grantee; Secondly, The things granted; Thirdly, The estate granted; Fourthly, All those parts of the deed, or evidence, that have any influence upon the estate; as rent reserved, conditions, powers of revocation, of alteration, of leasing, the trust, &c., and those other things that have an influence upon the estate; and without all this done, and truly done, the purchaser or lender is as much in the dark as before, and cheated under the credit of a public office erected to prevent it.

This being the state of the business in relation to enrolling of things past, there follow next those difficulties that render the design either impossible or fruitless.

1. Many persons that have titles, have them by livery without deed, or cannot bring the deed to the office to be registered or enrolled, because the deed itself is not, nor by law cannot be in their custody, at least *de facto* is not in their custody, as they that claim remainders where the custody of the deed belongs to others, those that claim by wills, either concealed, or in the hands of executors, and may have lost their deeds in the late troubles, and to compel possessors, especially purchasers of lands, to discover the deeds, which possibly they have for the security of their own assurances to make other men's title appear, and this under a penalty or action, were an unreasonable thing, and would create a general insecurity of purchasers.

If (44 Eliz.) *A* conveyed his land to *B*, and 12 Ja. 1. *B* conveyed it to *C*, and 3 Car. 1. *C* conveyed it to *D*, and 20 Car. 2. *D* conveyed it to *E*, must all these conveyances be enrolled, or only the last? If all must be enrolled, then if any one man's conveyance be omitted, suppose it from *A* to *B*, then the omission of the enrollment thereof will give a title to *A*, or his heir, to a claim to this land; if only that from the last seller, then is the purchaser in the dark still, what estates were in the antecedent owners, and how derived, and so the design would become ineffectual to the end proposed.

3. If all the mean conveyances of men's estate should be inrolled, Westminster-Hall would not hold the enrollments, and the charge thereof would be above two millions of money; nay, if we should suppose the present estates of the present owners of lands in any one considerable county, were to be inrolled, the charge would be intolerable, and the bulk itself would be utterly useless; suppose in London, 20,000 houses, and each house to have but two titles, that is, that of the owners of the inheritance, and that of the present lessee (though some have many more concurrent and coincident titles to recompence those that may have possibly less) this would bring the enrollment-office 40000 deeds, the enrollment of every deed at least 10*s.*, would produce 20,000*l.*, and about 230 volumes of vellum books, which would take up the employment of many clerks, and, when the work was done, the volumes too vast and numerous to be made use of; and what would be done then with the many leases of western manors, which yet have many under-titles derived under them?

4. But how shall these deeds come to be enrolled? He that made them perchance is dead, or at least will not come to acknowledge it, and if every man that brings a deed should have it enrolled without acknowledging it by him that made it, any forged deed may be enrolled, and men, in a little while, may lose their estates, by the countenance that a forged deed shall receive, by the being enrolled among the public records of the office; for the officer can never examine the truth or reality of the deed, or, if he could, it would not be reasonable that men's estates should depend upon the judgment of any ignorant clerk or officer.

2. As for the enrollment of all conveyances and deeds for the time to come, this labours under great difficulties also, though not so many and so great as the enrollment of things past, because here the persons that make the deeds may possibly come to acknowledge them before some persons publicly entrusted, as two justices of the peace, or the master of the office; yet this has also great difficulties.

1. Many men's estates are by will, where the proprietors of the estates have not the custody of the will to produce.
2. How shall the officer before whom the will is produced, if it be produced, know whether the will be true or forged, or revoked? since the deviser is now dead that made it, and surely it can't be intended that every man that makes his will of land shall enroll it in his life-time, since he may often change, revoke, and alter it.
3. Although it is a very great inconvenience, and fit to be remedied by act of parliament, that many times in courts of equity, trusts are averred without and contrary to deed, yet certainly so long as that usage is allowed, all trusts of estates cannot be enrolled, because they be oftentimes in averment and proof without writing, and so do oftentimes the uses of fines, which as yet have influence into the estates of most men, and yet as the law now stands, are averable without deed.
4. The charge of enrollment of all incumbrances and estates of land, even for the future, will, in the space of few years, grow vast, and the registry or enrollment-office will grow so voluminary in seven or eight years, in most counties, that they will become useless and unmanageable to the ends propounded, as would easily appear upon a medium or estimate of the estates, conveyances, leases, judgments, and other incumbrances that grow up in one county, in one year.

3. These difficulties that are common both to enrollment of things past, and to come, are principally these:

1. The place where this registry shall be kept, if in London, all men must come up thither to enroll their deeds, which will be intolerable; if in the countries where the lands lie, then London being the great centre of buying and selling, a man that deals here at London, must be forced to send into Cornwall or Northumberland, to search the registry there.

Again, what shall be done where one conveyance compriseth lands in several counties? or where a man, having lands in several counties, acknowledgeth a judgment or statute, shall this be registered in every county? And if it shall, how shall the commissioners know all the counties where his land lieth? And how shall the deed in one county be transmitted to another, or must it be acknowledged in every several county, and by the party there enrolled?

2. Again, how shall judgments that charge lands or statutes, merchant, or staple, be authenticly registered in every county? And what warrant shall be sufficient for it, especially since there be so many courts of record in England, wherein judgments given will charge lands in other counties, as in the courts at Westminster, the courts of grand sessions, &c.

So that as to estates and incumbrances already before this time created, the propounded register seems utterly impossible and unpractical: As to estates and incum-

brances for the time to come, though more practical, yet very difficult, cumbersome, and chargeable, and scarce applicable to the end designed, if it be compulsary upon all to do it.

3. As to inconveniences, I shall mention some, and of those, some applicable to both proposals, both of registering things past and to come, though far greater in relation to the time past.

1. Whereas many men perchance for many years have quietly enjoyed their estates, although perchance some little defects there might be in their evidences, as for want of some ceremonies, circumstances, or words: Now, by enrolling all these deeds, all these defects will be exposed to the view, observation, and search, and discovery of others, whereby busy projectors will be picking holes in the titles and estates of many men, which are now quiet and at rest. This will discover the flaws and defects of all men's assurances, and multiply suits and questions.

2. Whereas it many times moves great distempers in families, when children shall see and know how their parents dispose their estates among them in their life time. This course will force the father to enroll all his settlements, whereby all his intentions will be discovered in his life time, which may breed great unquietness and animosity; or otherwise, it will put it in the power of the heir, if the deed be not enrolled, to sell the land, and so defeat all his younger brothers and sisters.

3. Whereas some are desirous that the greatness of their estates may not be known, to expose them to contempt or question. This registering of men's estates and interests disappoints both, even where there is no occasion for a purchaser to be concerned, nor any design of fraud in either.

4. It is worth enquiry, whether the prospect of this business is not so much to remedy old inconveniences, as to introduce new, by erection of new offices and new officers, salaries, fees, which will bring in an excessive charge upon the people, and is always accompanied with further exactions; sometimes for expedition, sometimes for preferance of one man's enrollment before another, which will certainly be found, together with great delays, especially where the business of the office is like to be very great.

Upon the whole matter, I think that the compulsion of every man to enroll or register his writings and evidences of his land, whether past or future, under any penalty, is unpractical, and utterly inconvenient and dangerous to men's estates.

And now if it be objected, that these difficulties and inconveniences be but imaginable, or easily superable by prudent provisions, and all the inconveniences objected, may be in like manner remedied, since we daily see in copyhold manors, and in some great precincts, as, for instance, in Taunton manor, all men's estates are enrolled, or so registered, that it prevents all possible fraud by pre-conveyances, and hath brought great quiet and security to men's estates, without the least sense of any of the objected difficulties or inconveniences.

I Answer.

1. That the cases are not like enrollments of copies of court-roll, or within a private manor serves but a small precinct, but the thing in proposal is intended for a great kingdom.

2. There it hath been long since begun, and so hath been carried down in succession of time, and rendered familiar, and custom and usage hath accommodated the practice: But if it were now to be begun, and take in, especially all former estates, it would be very difficult to be put in use, even in a considerable manor or borough; much more in a great kingdom.

It is true, that if all conveyances of lands were for time to come registered, it would in process of time do much good, and prevent many suits and frauds, though perchance

the present age may not find the advantage of it. And certainly it was the great design of the statute of the 27 H. 8. of enrollments to have brought up that method of assurances, and had it been pursued, it had before this time been brought to great perfection, and done much of that good which is now intended by it.

But to make the design at this day practical and useful, these things must be observed,

1. In reference to deeds of all sorts.
2. In reference to wills.
3. In reference to judgments, statutes, and recognizances.

1. Therefore in relation to deeds, these things are necessary to make the design practical and useful;

1. That it be enacted, that no estate pass from man to man (by act executed in lifetime, other than by last will) for above years, without deed.
2. That no use or trust of any estate be raised, but by deed expressing the same.
3. That to prevent the extreme length of covenants in deeds, there be thought of certain words that may carry in them the strength of covenants or warranties: As for instance, [*Dedi,* or *Give,*] to include a warranty and covenant against all men, and also for further assurance, [grant] to include a warranty and covenant against the party, and all claiming under him, and for further assurance within seven years, [deliver] to include a warranty and covenant against the party and his ancestors, and all claiming under that, and for further assurance, within seven years; and divers instances of this kind might be contrived by short words to include large sentences: Thus it was done by the statute of *Bigamis,* and this would shorten deeds, and abridge their charge of enrolling.
4. That all deeds to be enrolled be acknowledged before a judge of Westminster-hall, master of the Chancery, as now; or before two justices of the peace in the county, and they to have power to examine femme coverts to prevent the charge of travel, and of commissions to take acknowledgments.
5. That all such deeds as are to be enrolled either in the courts at Westminster, or in the counties, before the clerk of the peace of that county where the land lies, or in cities, according to the stat. of 27. H. 8.

This will prevent the needless multiplying of new offices, and the gaping of people after them, and perform the business according to the known and settled usage already established by law, without introducing novelties more than need.

6. That if the land lie in several counties, the enrollment at the courts at Westminster to suffice: If enrolled in one county, it may be sufficient for the rest, only a short abstract or certificate thereof to be sent at the desire of the party to the clerk of the peace of the other counties, subscribed by him, to be entered with the clerk of the peace of the other counties where the lands lie.
7. That no deed be enrolled after months from the time of the caption.
8. That the relation of the enrollment of deeds to bind or prevent mean incumbrances, relate only to the time of the caption at farthest.
9. That twice in every year at least, there be transmitted from the office of enrollments in Chancery, abstracts or certificates of enrollments to the several clerks of the peace of those respective counties where the lands lie, under seal, and so from the clerks of the peace of the several counties, to the clerk of the enrollments in Chancery, that they may be reciprocally entered: This to be done under a pecuniary penalty, but not to invalidate the enrollments.
10. That some settled easy fees may be established by act of parliament, for the caption, enrollment, and certificates.
11. That no penalty lie upon any party for not enrolling his deeds, farther than by law is established already, but only by act of parliament, a considerable advantage

to him that enrolls. This will invite men to do it voluntarily, and in a little time will carry the greatest course of assurance in this method, without any grievance or inconvenience.

12. That the advantages propounded be such as these:

1. That whatsoever estate, reversion, remainder, or contingent remainder, or uses, a man may bar, by fine or common recovery, with single or double voucher, he may bar by a deed enrolled; except as to the point of non-claims, provision for infants and idiots.
2. That a deed enrolled may supply the defect of livery and seisin, and attournment: But not as to forfeiture of the estate of him that makes it. This is partly done already by law.
3. That uses may be as well created and executed upon a deed enrolled, as upon a fine or feoffment, or release.

It is true, that by those advantages, and some others that may be added, most of the assurances in England will run this way; and thereby,

1. The offices of clerks of the peace, and enrollments in Chancery, will grow to be great and beneficial offices.
2. The offices relating to fines and recoveries, will sink very low, as the prothonotaries, the chyrographers, *Custos Brevium*, clerk of the king's silver, clerk of the enrollments, and the practice of many clerks that usually deal in fines and recoveries.
3. The king's fines upon originals, and the commissioners for the composition of post-fines, will decay in time; which will be a loss to the king, the keeper of the great seal, the master of the rolls, and cursitors, and lords of liberties.

But to this I say,

1. The swelling of these offices may be corrected to the publick benefit, by making the rates of their fees lower.

2. The offices, that will by this means be impaired, may be considered, if it be thought fit, by some allowances out of the offices of enrollments, though the officers of the court of wards found no such provision for them: And if some counties were allotted to the Common-pleas for enrollments, that might easily be applied, and distributed so as to countervail the loss.

3. The loss of fines and post-fines may be abundantly recompenced by a very small allowance upon every deed enrolled; and yet the subject be a gainer by it.

And as these small differences may be easily recovered, so these great conveniences would ensue;

1. No man would be compelled to enroll his deeds, and yet every man might take the advantage of it that pleased.
2. The old course of fines and recoveries, not taken away, but left for every man to use that would, though a cheaper and readier course of assurances be substituted.
3. Whereas now no fine, or recovery, can be had in vacation time, whereby many men, before they can settle their lands by this means, entails and femme coverts may be barred, and settle their estates as they have occasion.
4. It would take away the charges of travel to London, by persons living remote; the charges of commissions, *dedimus potestatem*, warrants of attorney, and all those incident charges of fines and recoveries: So that a man that is necessitated to sell his land, though it be but an acre, cannot do it, by fine or recovery, under fifty shillings, may be able, by this means, to perfect his assurance for ten shillings.
5. It will, in few years, carry the whole track and current of assurances in a way that may be open to all men, and yet without compulsion to any.

6. It will prevent those many defects in assurances by fines and recovery; which, consisting of so many parts, and passing through so many hands, are subject oftentimes to be reversed: It may be, for the loss or mistake of an original writ, or some defect. And thus far for enrolling of deeds.

2. Touching judgments and statutes. The statute of 27 Eliz. hath provided in a good measure for the enrolling of statutes: But as for judgments it is a business of great difficulty how to enroll them especially because it cannot,

1. Be readily known where the party lives, or where his land lies by the ministers of that court where the judgment is given, and so it will be difficult to transmit the same into the counties where the land lies.
2. If that were all known, yet it might be hard that a copy of judgment, in paper, should be a sufficient warrant to enter it with the clerk of the peace in the county.

But all the way that seems to be practical in this kind, were for the clerks of the several great courts, to extract out of the rolls, the abstracts of the recognizances and judgments, for four or five years past, or more; and also for the time to come, as they are entered, and to digest them in alphabet, according to the surname of him that acknowledgeth them, &c. and so to preserve them from publick inspection, this might be easily done, and a salary or fee settled by act of parliament for the respective offices employed therein. Only there are these inconveniences which must be remedied:

1. The retrospect of a judgment to the beginning of a term, though acknowledged, it may be, long after.
2. The late enrollment of judgments confessed, so that there is little appears of a record, but only in private remembrancers.
3. The keeping of paper recognizances acknowledged in courts for many days and some months, without enrolling them as they ought, and yet by relation to the time of the caption, many times over-reach men's purchases and securities: these might be remedied by orders of several courts without an act of parliament, if strictly enjoined and observed, though a short act would easily make the remedy universal.

4. And lastly, touching wills, the difficulty will be very great to put them into better order, than they are at present, abating some few things.

For the devisor himself must not enroll his will, for the reasons before given, and especially for that it is alterable every hour, and many times made in extremity, when there can be no authentic officer to receive or attest it.

And when he is dead, the will comes to the hands of the executors, and it may be controvertible; and if the entry then of it by an executor, or one that pretends to it, should render it authentic, it may prejudice the just right of others.

And on the other side, oftentimes the devisee of lands hath not the custody of the will, and it would be unreasonable that the executor's neglect should prejudice the devisee's interest. I know not how the case of wills can be made much safer or better than it is, at least unless the insinuation thereof were under the examination of temporal courts; but that perchance would be thought too great a change.

Only it were well, if some greater solemnity were required by law in wills, whereby lands are devised; for ever since the stat. of 34 H. VIII. more questions, not only of law touching the construction of wills, but also of fact, arise, than in any five general titles or concerns of lands besides. As, whether a will were made or not? whether revoked or not? which multiplies suits, and makes great uncertainties.

But an act may be necessary to prefix a time and order for claims to burned houses in London, and a judicatory settled for the determining thereof summarily; because otherwise, possibly latent incumbrances may arise upon those that have been at great charges in building.

But it were far better, that there might be an act to quiet the enjoyment of those

that have built according to the decrees, and under the rules already decreed, because their charge hath made the improvement, and saved it from the forfeiture which would otherwise have happened; therefore no reason their possession should be disturbed. And besides, all persons that had any pretence of claim, either have made it, and their claims examined by a public judicatory, or might have done in so long a space, which they have neglected, and it hath been their own faults.

Therefore this case touching the burned houses being particular, in a particular precinct, and thus circumstantial, will not make any parallel case to universal registers.

The History of the Rook and Turkeys. 1694.

This is an exceedingly dull parable, founded upon the disaster which befel the Turkey fleet when sailing under the convoy of Sir George Rooke. It is scarce possible to conceive more heavy pleasantry.

Royalty and dominion, and fealty and obedience, are those necessary institutions for the support and preservation of order and society in the world, that they seem designed for the economy of the whole creation: And prerogative and subjection are not only found among birds and beasts, but we may trace down a sovereign head even to the hive and the honey-comb, in the very jurisdiction of a poor plantation of bees.

As authority and servitude, therefore, are those universal bonds of communion, our present small treatise, though great theme, is a select and compendious collection of the ethicks, politicks, and administration of some late reigns within the airy principality, the empire of the birds.

In a certain rich and fat northern soil, long had there reigned a succession of royal eagles; and so reigned, with such a constitution of monarchy, as the best aggrandized the sovereign, and best eased the subject: for where love and not fear obeys, is the prince truly greatest; and where the link of duty and submission are bracelets, not fetters, is subjection truly lightest and happiest.

To make this aquilinary sovereignty thus great, and withal thus easy, the grand council of the storks,[1] those ever pious patriots, that carry their aged sires on their backs, were always called in as assistants to this supreme administration; and thus joining in the common sanction and foundaries of command and homage, the whole precepts and rules of their own duty and obedience, nothing could more contribute to the general felicity, than this union and consort of government.

The eagles, whilst they thus governed, truly carried the thunder in their talons, being the universal darling majesty at home, and no less universal terror abroad. But when any irregular mistaken ambition of extending their power too far, put 'em upon too large a stretch of wing, the popular jealousy was always so wakeful and ever so dreadful to such insults and encroachments, that the too aspiring soarers still failed in their hopes. For instance of old, when the royal aquilinaries fluttered too high, and preyed too sharp, how often have the insurrections of the noble faulconry made head against them, to many a torn plume, bloody beak, and broken talons between 'em? Witness the purchase of their great forest charter, and the rest of their ample and spacious rangeries, obtained at no less than the price of their blood. For indeed, to

[1] Parliament.

sum up the whole genius and souls of this northern colony, they could never brook either cover or cage-door to their great aviary. The free and open air were the birthright they challenged, and even the poorest rustick poultry claimed that asserted property to chuck in their own roosts, and crow at their own barn-door.

But of all our boasted strength and glory, the fair effects of this great royal union, nothing could equal the once illustrious virgin eagle's reign,[1] that miracle of imperial sway, so linked in all her adoring subjects hearts, that all the singing quires, the universal musick of the fields, on every bough chirped round her. 'Twas then, and by that influencing ascendance, her bold commissioned Drake dealt forth her flaming vengeance, and made that glorious conflagration, that blazing pile of her crusht foes, as rendered the trembling universe her vassal. Could any fluttering neighbour, round her, grow too proud or insolent? No; the great virgin terror soon clipt his wings; more especially, if any impudent water-fowl pretended to make the least hover within her own sole sovereignty, the great fence moat round her aviary.

But, alas! this national happiness was a blessing too great to be immortal: During her long happy too short reign, indeed, it lasted. But, oh, what sudden fall from all that grandeur! Her too hen-hearted talonless successor,[2] so dwindled all our native awe and greatness, so poorly shed his beak, so suffered the whole crowing neighbourhood to grow upon us, as entailed that miserable descending patrimony to his too unhappy heir. Unhappy indeed! For what betwixt his natural aversion to the great storkery, his too passionate fondness of some bloated-feathered favourites, and the too deep resentments of his over-jealous homagers, (the both sides too fatal frailty) that violent and tremendous irruption broke forth, as ended not till it not only dismounted, but embrued their barbarous sacrilegious fury in the poor bleeding eagle's[3] veins, and drove his young pitied eaglets into a wretched wandering exile; whilst a whole nest of croaking ravens perch the royal cedar, and an usurping barbarous griffon, that party-compound monster, filled the throne. 'Tis true, to give even treason and infidelity their due, he carried terror, the dread of nations, with him; but right and justice, those fairest plumes of power, were wanted. Till heaven, at last, in pity to our sufferings, as he had reigned in storms, dislodged him in a whirlwind; summoned the roaring elements to his exit, and lowered the gaudy pageant; his despised, now no longer formidable relicks, reserved only to be hung up a scare-crow on a perch, and his crest advanced to a pinnacle.

But now the too long mourning aviary, with flagging wings and murmuring notes, all drooping saw their too mistaken folly, and watching the blest occasion (a too poor expiation) of gathering up the spoils of majesty, and restoring the too long borrowed regal plumes, assisted by aiding miracles, recalled the banished eaglets. But, oh, what echoing triumphs received them! The dove and the olive-branch, the swallow and the spring, came o'er with them. Now royalty and her great eagle[4] was once more remounted; and so remounted, so met, so welcomed, those thousand thousand chanticleers to greet him, that nothing was thought too rich to deck his shining nest, at this more than phœnix resurrection; insomuch, that that profuseness of joys carest him, that upon all occasions our opening hearts never thought the plucking of our own richest golden feathers too much to pleasure him.

With this general harmony in the great aviary, never was a fairer opportunity presented for the royal eagle to recover the ancient renown and long-lost glory of his ancestry; and by following the famous virgin-precedent, have copied, if possible, beyond the original. And indeed, never was more occasion for pushing for that recovery, or patterning from that example; for it was in this reign that the neighbouring tyrant vulture[5] began to feed his wild ambition, and gorge with that spoil and rapine as threatened the whole western world. The imperial remoter eagle already felt his pounces; and all the weaker neighbourhood, round him, were daily cravened and das-

[1] Elizabeth. [2] James I. [3] Charles I. [4] Charles II. [5] Louis XIV.

tarded before him. And though the common foreseen danger might possibly come last to his door, yet our weak-eyed royal eagle, either not able to face the rising sun before him, or dissolved in his supiner ease and luxury, looked not so far beyond him as to-morrow; instead of opposing and reducing this too formidable encroacher, rather animated and assisted his ambition: And though elected the common arbiter general, so far derogated from that trust and character, as to promote, rather than check, the spreading desolation; whilst not only scarce a young noble faulcon among us, but either flusht his talons, and all our young cockeril sharpened their spurs in the great vulture's cause; or else by a more shameful too spreading degeneracy, our daily debasing breed from the once glory of the cock-pit, now, *R—s ad exemplum,* were dwindled only to heroes at a hen-roost.

But above all, for the full consummation of our calamities, (*hinc illæ lachrimæ*) our royal eagle himself moulted all his own royalty to imp the vulture's wings; and all by an unaccountable fondness and servility to that very unhospitable nest, that once most shamefully refused his own exiled foot and wearied wing a resting-place.

But if all these infelicities attended this darling administration, what melancholy face of confusion must the following reign produce? Here, (*meminisse horret*) what too just fears surrounded us. Now all the old church-daws were all upon the flutter and the wing for the re-building their ancient nests again. The owl-light skulkers and night-bats flew in open day; nay, legates and embassies were posted over to the tripple-combed Peter's cock, to invite him to his old roost again among us; and already he began so to crow upon us, and his maudlin-harpies claws had fixt so fast, and a hundred other of his porcupine-quilled sharpers were so brooding, as give us a fair sample of what we must expect. And all these extravagant irregularities acted with that hardy crest and strutting tail, that with a perfect estridge stomach we digested even vows, oaths, and honour, as easy as nails and pebbles. And what between a henpeckt ascendance over him, and his own natural infatuation, to what poor shifts did our descending eagle[1] stoop! Nay, it was shrewdly to be suspected, that even a false egg was hatcht for an inheriting eaglet.

But not to dwell too long on so ungrateful a theme. 'Twas enough, that the inevitable approaching danger so frighted the whole aviary, that for their own preservation they implored the succour of a new generous champion eagle,[2] to take wing, and speed over for our protection. How the whole choristers of the grove saluted their welcome deliverer, is so fresh in memory, as not to want a repetition. Let it suffice, that what betwixt a crest-fall and a crop-sick shame and confusion, our great despairer poorly wheeled off for shelter under his too long darling vulture's wing, and left the great abandoned cedar, the meed and reward from the unanimous grateful storkery, to our young bold eagle and his fair royal mate. Now all our frights soon vanisht, whilst the whole grove were all secure of singing their own native airs, past all the threatning danger of being either Peter-cocked clawed or vulture-coopt cage-birds, or having false whistlers over us, or false notes taught us. Liberty and safety, in their new halcyon flight, those now unravisht Philomels, could sing without the thorn at their breast. In short, the whole nest was all dismantled, and the great cockatrice egg all addled.

And now the whole face of empire changed. The too lately and too long idoled vulture, now grown the universal odium, with a defiance worthy the great aviary, from cooing and billing, and all our former galless turtle-play, reviving glory begun to sharpen up her old rusty gafflets, and whet her blunted beak. Our now truly royal and only long-winged eagle, led forth to foreign fields of honour; and though flying at a too headstrong game, (our own only fault, the flight begun no sooner, and the quarry so overgrown,) yet despising dangers, odds, and inequality, made those impetuous flights at the bold vulture, that never was clash more fierce or grapples more

[1] James II. [2] William III.

terrible. Nay, there was once a day, when, had our shrinking rear seconded our bold leading front, their whole glory had been struck down before us, and the whole field of prey been all our own.

And 'twas now our royal eagle, by the great virgin example, set forth our second great ocean Drake, his bold deputed thunderer,[1] who, in that memorable scene of deathless glory, drove their whole craven flock like so many dared larks before him, shamefully sculking home, with all the wing that fear could make, for covert for their coward heads, where, in the face of the whole trembling vultury, he put fire to the coop and set 'em a blazing.

Such was the glory of that illustrious day, and such the worth and honour that atchieved it. Yet even such worth, though solemnly congratulated by the acknowledging storkery, however not able to tune his airs with the great bull-fi—h, was laid by, and his divested power lodged in a tripple succession of new-chosen favourites. These promising new darlings, resolved to out-fly their predecessor, were for carrying their thunder even to the vulture's own door. But, oh, the sad fatality of defeated hopes! Alas! fallen short of all those towering wonders, they came too late; for the penn was empty and the birds were flown. But miscarriage never wants misfortune for a plea; some pretended to prattle, that want of provant might possibly retard their otherwise nimbler speed; some stickt not to say, that possibly some canary birds might perhaps have too much rape in their troughs, and yet want a little hemp-seed, or so: But that shadow vanisht, and that calumny was cleared. However, whatever impeding obstacle hindered, as whether not unhooded in good time, or not whistled off soon enough, or what else, &c. so it was, that they only took a long rovers to no purpose, only shook their wanton bells a little, and so home again; for as we said before, the birds were flown.

Flown, did I say? and good reason too. For instead of dry buffets and hard beaks at home, they had a fatter prey and an easier game a little farther abroad. For about this time from our aviary was a great Turkey drove designed to travel that way, headed by a leading Rook and a small attending rookery, (a too slender guard against such potent talons,) that at that very pass, with their unwieldy bulks and wealthy feathers, must run full into their mouths; for whose waited reception these keen expectants lay hovering. I confess this travelling rookery and his rich charge had several months before been prepared for their movement; but some stop or other still kept them in their coops, and this was the only hour of departure.

No sooner were they set out and past recal, but the whole publick outcry was wakened, and alarmed at their danger. The affrighting dread of a decoy raised a hundred untuneable murmurs, even to blame both the gosselin-poll coop masters and aviary keepers; and the modestest reproach was, to call it a buzardism. Their fears, alas! were but too just; for the poor unwary Rook and his long heavy-pinioned train fell into the snare. 'Tis true, in this dismal surprise, and seemingly total prospect of ruin, just ready for the cormorant's gorge before us, we had a little more than ordinary (I might say) almost miraculous deliverance; for unless a few of our neighbours fellow-travelling flock, that, by moving in the van, were a little too near reach and gripe, and so fell into their talons, 'twas our more especial happiness so to amuse by a false appearance of our strength well ranged and well managed, (our rookeries prudent after-game,) that under the umbrage of that amusement, and the terror it raised, we secured our retreat. In short, we made all that nimble wing as to slip home; only three or four stragglers, that run into a friend's coop too weak for shelter, were under those hard apprehensions, as to be forced to play the dop-chicks, and duck under water for their safety; and one or two of them had the misfortune to have some of their upper-tire feathers singed, and a good shift they got off so.

[1] Russel.

But had the vulture made a home-swoop, and seized the whole quarry, (as God knows he was little less than cock-sure of us,) good heaven, what a swinging high-tory feast would he have furnisht, with so many fat well-plumed pouts, for the great bird of his own feather, his own dear brother of prey at the Turkey port! Nay, the jack-daws round us fell a chattering at no small rate, and so tickled their gizzards and merry-thoughts, and hooted our success, as is past imagination. Nay, a more fatal consequence attended us, (for those cacklers at home we did not so much value:) How did the parraquets abroad, and all the tattling Gallic magpies, buz this defeat to Mahomet's pigeon, to the scandal of the royal, and the prejudice of the imperial eagle, by boasting the only vanity they wanted, viz. the length and strength of their pounces and talons, and the shortness and weakness of ours.

A short and true Relation of Intrigues, transacted both at Home and Abroad, to restore the late King James. 1694.

As the Jacobites omitted no opportunity of influencing the people of England, by seizing upon and exaggerating each topic of national dissatisfaction as it occurred, the friends of the Revolution, on their part, failed not to expose, as frequently as possible, the factions and divisions which rent asunder the little court at St Germains, where, between the national disputes of English, Scots, and Irish, and the everlasting controversy between the church of England-men and the papists, intrigues were as constant, and factions as inveterate, as if the king had possessed a real throne, or enjoyed the means of nominating an effectual ministry. The following Tract is no exaggerated statement of the dissensions which divided the adherents of the exiled monarch.

We may see, by the overturn of the late king, the instability of human greatness, and that sovereignty is, like the globe of the earth, full of windings and turnings, having its ebbs and flows like the ocean, which never rests, and which shews government to be a slippery path; for if the prince chance to catch a fall, though such a mishap may not prove mortal, yet it so disables him ever after, that he cannot recover himself; which at this time seems verified in the fall of the late king, who now finds himself mistaken in his measures; which renders all his endeavours frivolous, and turns to no other account but to frustrate his expectations, and to remove his hopes from ever ascending the English throne again.

The nobles and commons in parliament assembled, after the late king's coronation, demonstrated their fidelity to him by their unexpected attainder of the late Duke of Monmouth, who, but a little before, was the people's darling, and yet, notwithstanding, was sacrificed for the preservation of the late king; an instance of so much integrity at that juncture of time, when the late king dreaded nothing more than the landing of the Duke of Monmouth, that if the late king had but esteemed the affection of the people, pursuant to the experience he had then of their loyalty, and retained the same, and contained himself within the rules of moderation in point of good government,

and not openly exceeded the limits of the law, and strove to content the people, which is the end of all good government, a duty incumbent upon kings and princes to do, he might have ruled and reigned to this day, and all the days of his natural life, with as much honour, grandeur, and satisfaction as any prince that ever reigned in England.

The late king had more experience in government than any prince that came before him. He had seen the tragical fate of his father's death, the turnings and windings in his late brother's reign, wherein he himself had an ample share every way, and was fifty-two years a subject before he came to be a king; so that it might be expected, from a prince of his knowledge and years, to rule well, and to fulfil that saying of Mæcenas to Augustus, *Nemo bene imperat, nisi qui ante paruerit imperio.* Whereas, had the late king but kept the reins of his government equal in his hand, so as to be able to have made a judgment when to drive fast or slow, and between both had kept a middling pace, and, by an impartial distribution of justice, pleased the lower orb, and trusted not too far to corrupt ministers and judges, who are the plagues of all governments, according to Cicero, *Acceptatio munerum est prævaricatio justitiæ et veritatis;* he had been now, instead of a deposed prince in a foreign land, happy at home. But now he can tell, that a people can do better without a king, than a king without a people; and as nothing would have pleased his ambition, but to trample upon the liberties and privileges of his subjects, so the subjects thought themselves obliged to let him know, that the affection of the people is the surest foundation of government, by their declaring their aversion to the late king, and seating the present king and queen upon the throne.

The late king thought to imitate Henry VIII. the contrary way, but came short of his undertaking; and losing the love of his people, lost himself and three kingdoms. Henry VIII. fought the pope at his own weapons, picked his locks with his own keys, locked in the supremacy, and shut out the pope; and for his seconds had the two great convocations of Roman catholic divines, then residing in both the universities of Oxford and Cambridge, together with all the monastical and collegiate theologues throughout the whole kingdom; which bespeaks the English Roman catholicks, both at Rome and all abroad, very scandalous, having no reputation nor esteem any where out of England, but hated mortally.

The late king, to oblige the pope, and out of his fervent zeal to religion likewise, went about to alter the case, and to remove the aspersion wherewith all the English Roman catholicks are branded, and fix it upon English protestants, when he, with a protestant army, attempted to establish popery, against law, in a protestant kingdom, and to extirpate the protestant religion: an undertaking too dangerous (as it fell out) to be attempted; and no wonder it should, when a prince, against all the rules of religious policy, and contrary to good conduct in point of good government, without any more necessity to compel him than his ambition and zeal, to take such measures as would not only incense the people against him, and inflame three kingdoms, but also entail an intestine war upon the kingdom: For St Augustin, a great doctor in the church, as well as in the politicks, says, *Remota justitia, et quid sunt regna, sed magna latrocinia?* The removing of religion and justice lets in an inundation of sorrow, calamity, and distress, to the overthrow of all good law and moral honesty; which the late king now sees, when, instead of being attended by his nobles, ministers, and his judges, and seated at home upon his throne, he himself, with the help of his more than corrupted council, brought all upon himself, and is necessitated to be maintained at the expence of another prince, which shews the uncertainty, as well as the infelicity of human greatness, to see a prince that might have been happy, but would not; and now, instead of ruling and commanding his late great officers, is again glad to receive and listen to the meanest of his late subjects; a prince that would not hear the counsel of the wise, but embraced the advice of fools, is accordingly accommodated, who

expected, by his exile, when he left his people, to ride triumphantly an absolute monarch, as he thought; but so far from it at this time, that that prince, from whom he expected succour, has enough to do to defend himself, being surrounded by many enemies, which leaves the late king no hopes of supply there, having to that purpose received the King of France's answer but in February last, which crowned all the late king's misfortunes with additional sorrow, as presently will appear.

The late king hath no other remedy left him, as the case stands now abroad, but to court his late injured people to bring him back again, which is not so easily to be comprehended: That prince must be reduced to great hardships, that first receives a broken head, and petitions him that gave it for a plaister; it looks as if no other was or is to be had. But woe be to him that takes that measure for his redress!

The late king believes that the same people that betrayed and deserted him, may be prevailed with, by his declarations and protestations, to restore him again; but (God comfort him!) he is mistaken; the case is since altered, and those religious weathercocks, upon whose promise he does (at this time) depend, are as impotent to do him any good, as they were potent to ruin him when here last; they have not that virtue that is said to be in Achilles's spear; they gave the mortal wound, but they cannot heal it, now they would, being out of their reach.

And the late king expecting they could, to please them, hath excluded the protestant dissenters, and the Roman catholicks of Ireland, both innocent of the misfortunes that justly overtook him; and is so conscientious, that he condemns the innocent, and pardons the nocent, when he offers all the protestant dissenters, and the Roman catholicks of Ireland (the latter having been sufferers with a vengeance in his cause) as an oblation to the passive-obedience men, who infused non-resistance into the late army; and now these are the late king's creatures, and the only persons that would abdicate the gospel, as they did their passive-obedience king, rather than the church-livings.

The late king fulfils the true character of his family in himself, that have been all known to be unconstant and unfaithful to their friends, and liberal and grateful to their foes. But God has accordingly dealt with them; he has raised them a multitude of enemies, and left the succession of this crown (without any seconds) to fight its battle. And if it be remembered how that the late king, and his brother, Charles II. after their return from exile, treated the decayed cavaliers, who lost their all in their cause, it should leave him destitute of friends. And if it be also considered, how many noblemen and gentlemen, that spent their estates and fortunes in the defence of the succession of this crown, and how they were rewarded by King Charles II. and by the late king, having received, for their comforts in distress, petitioning about Whitehall, nothing but sham references to the treasury, and paid in cold waiting, long attendance, tricks, disappointments, promises, and delays; that betwixt king-craft, and court-cheats, and sharpers, persons of unquestionable families, unspotted loyalty, and sufferers in abundance, have famished for hunger, and perished with cold, and their posterity to this day left without any satisfaction, and reduced to a very mean and low condition, which should take away the least encouragement from all persons to intermeddle in the late king's cause, but look upon his fall, and the overthrow of his crown, as a judgment due to the family, and may say, *Justus es, Deus, et justum est judicium tuum.* It would be a pity indeed that all the family should depart this world till they, or some of them, atone for the manifold abominations wherewithal they stand charged here, as well as before the great tribunal, for what evils they have committed against their people.

The Roman catholicks of Ireland, although in point of interest and persuasion different from us, yet, to do them right, have deserved well from the late king, though ill from us; and for the late king to leave them and exclude them, is such an instance

of mean ingratitude, that protestants have no reason to stand by a prince that deserts his own party, and a people that have been faithful to him and his interest to the very last. That they were overcome, is not so much to be wondered at, as their holding out against the power and wealth of England, and against all nations to admiration so long as they did, and at last to force such conditions from us, as should render them a people never to be forgotten by the successors of this crown: But King James is the late unchangeable King James still, a king that is not to be found but upon uncertainty. What have the protestant dissenters done to him, that he has in the articles of September last excluded them? They had no hand in undermining, betraying, nor deserting of him; they have carried themselves obedient to his lawful commands, and because they did so, he, contrary to all his pretensions of former zeal of liberty of conscience, by his exceptions in the said articles, exposes them all to ruin and destruction; that is to say, when he returns. But when the dissenters consider how he deserts those of his own religion, they may content themselves with being as they are, out of the reach of his hatred; and seeing that his favours are only reserved to promote his enemies, and that he has lost all abroad, let his enemies grow potent every where, and numerous withall, and let him be so lost, that he may never be found here at home.

Now, seeing the late king hath exposed himself, by excluding a people that never prejudiced him nor his interest, to gratify the desires of those that have turned him out of all, it is hoped, that as he had the pleasure of excepting, that he will give leave to return him a *quid* for his *quo*, by directing such measures as may anticipate all his throughout England, Scotland, and Ireland, and by intimating to the government such a method as may for the future detect all the devices on foot in order to his restoration, and so have his exceptions by his own exclusion executed.

The following relation, as had from gentlemen of very good note, who have seen most of the transactions at St Germains for about four years last past, gives a very impartial account of affairs, and shews the connection of foreign and domestick intrigues carried on, and managed with restless industry now for about two years last past, in order to the restoration of the late king, which at last turned to no better account, than to put a period to his expectations, by leaving him but small, or no hopes to return ever again, as will plainly appear; the truth whereof will want no confirmation, for farther enquiry into foreign affairs will remove all doubts, and leave no room for contradiction.

About two years since, the late king had great hopes to be restored with triumph, and fed himself with the thoughts of being an absolute monarch, having about that time received great encouragement, as well from the pope as from the French king, which made him look above the reach of his late subjects, (as he thought) and to reject all my Lord Preston's undertakings, and the rest concerned in that intrigue, which was like to have cost my Lord Preston his life, and for which he had no thanks, but on the contrary was despised for meddling; the late king protesting then, that he had rather never see England, than come to treat or capitulate with his subjects again: But he soon altered his resolution, seeing affairs abroad thwart his designs, and meeting with such unexpected disappointments, which abated much of the thoughts he retained but a little before; so that, of a sudden motion, he with great impatience consulted some of his protestant council, telling them that he was resolved to treat with his late subjects, and give them any conditions, rather than stand out any longer; concluding that nothing could more conduce to his restoration, than to reconcile himself to his late subjects.

In order thereto an express was sent to England, with instructions to my Lord Middleton, and some others, to treat with the people, and to know their inclinations,

by feeling how their pulses beat, and accordingly to proceed; which my Lord Middleton did, and drew a declaration answerable to the desires of the churchmen of England and Ireland, and some other heads of both the kingdoms:[1] And after some debates, my Lord Middleton went away for France, and arrived at St Germains the beginning of March, or thereabouts, 1692-3; produced the declaration, which admitted of high debates, and long arguments *pro* and *con*, as their several separate interests moved the ministers of St Germains: But my Lord Melford started several cases of conscience against the late king's signing the said declaration; insomuch that, to be satisfied therein, and to remove all scruples of conscience, the late king consulted the college of Sorbon, and the Irish college likewise. The faculty of Sorbon declared against the said declaration, and the Irish college for it.

The Irish college gave these reasons: That the king was in exile, banished his kingdoms by his own children and subjects for his religion; that as the case stood with him, there was no remedy for his restoration left him, but to comply with his subjects, and to sign any instrument whatever, for to prevail with them to accept of him home again; and whatever he should sign, whilst in exile, and under tribulation abroad, he should not in conscience be obliged to perform after his restoration, as exacted from him perforce and duress, which renders all conditions and agreements of that kind neither obligatory nor binding, any longer than a fit opportunity should offer itself to break them; [and wherein he would but imitate his brother Charles II. who took the covenant in Scotland, and after his restoration burnt it at London, by the hands of the common hangman.] The faculty of Sorbon declared against this kind of Machiavelian doctrine, and against the declaration too; yet notwithstanding, the late king did sign the said declaration on the consideration aforesaid. But my Lord Melford and my Lord Middleton fell out, and are to this day irreconcileable; they do not contend for any good either of them would do to this side or that side, but their quarrel is, like that of Cæsar and Pompey, who should be the greatest, not the best: But Melford (a convert in wolf's dress, under the shadow of religion,) bears the sway, *tantum religio potuit suadere malorum.*

The said declaration, so signed by the late king, was ordered to be sent into Flanders, to be read there at the head of the Irish troops; but was to them the most unwelcome and unacceptable message that ever they met withal, or that the late king could send them, finding by the said declaration that they lost themselves both at home and abroad, by the late king; which caused such a consternation in the camp, that the soldiers, (who would be glad of any occasion to quit the service, and to return home,) openly mutinied, having started the question, that now being deserted by King James, why should they not go over to King William, and accept of conditions? But the question was carried in the negative, and an express sent immediately to St Germains, to let the late king know the discontent amongst the soldiers, and the disorder in the camp, occasioned by the said declaration. Here King James returns to himself again, and after his old custom of doing and undoing, gets another declaration drawn, signs the same, to null the former, and sends away two gentlemen, and two clergymen of note, with this new declaration for Flanders, to pacify the Irish, and to give them content; which for some days gave some satisfaction, but not so much as to harbour a good thought of the late king, believing, that if ever he should be restored, they would be all lost through his unconstancy, and that by reposing their trust in him, they confided in a rotten reed: But however they were appeased for that time.

[1] This was said to have contained, in the original draught, a proffer, on the part of King James, to resign in favour of his son. But on agitating the matter in the court of St Germains, nothing could be obtained except a declaration in more gentle and temperate terms than that which James at first addressed to his subjects, which had sounded too much of prerogative, force, and conquest, to be acceptable even to his own party.

Here the late king, forgetting his declaration and protestation to the Irish, sends the first declaration for England without any amendment, or taking any notice of the last declaration to the Irish; but with the former exception against them, he lets it pass for England. Here (as they relate it abroad) it was published the 19th of May last; but several, not believing the same to be the late king's declaration, but the product of some other invention to amuse the people, seemed disgusted at it, and would give it no credit: But that the people may be undeceived in the said declaration, notice was sent to St Germains, what the people said about it; and immediately, to remove all doubts touching the same, the late king caused it to be put in the Paris Gazette, where (to his great dishonour and disadvantage) it was published by authority, which gave content in England, and great discontent to the Irish army, who are ever since in great disorder about it; but the king of France has promised to see them righted, who are all very unruly and weary of King James, (except some officers, that cannot live so well at home as in their stations abroad,) and willing to quit the service upon any reasonable conditions whatsoever; especially the common soldiers, who are extraordinary poor and dissatisfied, would give any thing to be at home.

The nobility and gentry of France, finding a declaration of King James's in the Paris Gazette, were surprised at it; and seeing him desert the Roman catholick interest, did look upon it as a very great unconstancy of resolution, which in truth removed the interest and affection of the clergy and nobility of France from him, who, before that publication, were all resolved for him, and to promote his restoration to their power; but since are grown cold upon the matter, and but indifferent whether he be restored or not. In the court of France the late king is extremely much made of; but had he more constancy of mind, he would be much better looked upon there, where nothing else but resolution is in esteem.

The said declaration, it seems, had such effects, that some have been pleased to send away a draught of articles or conditions, contained, as reported from abroad, under twelve heads, which the late king, in farther confirmation of his good will to that party he relies on, hath in September last signed, as they say that came from thence. Since the return of the said articles for England signed, they say abroad, that preparations have been diligently used for the restoration of the late king.

And that in December last an express arrived from England at St Germains, which gave the satisfactory account of the people's return to their former allegiance to King James. How true or false it was, that court was so elevated with joy, that nothing was talked of but an immediate return for England, all there striving who should be foremost upon the expedition; others, to make some considerable figure, came away, as they say, to have some men in readiness against the landing here in England. Frequent fresh news came from England confirming the same; and every half-starved poor man about court used his interest to have some considerable employment; and he that could not be in a valuable station, thought himself as good as lost; by which we may judge how the Jacobites here in England would be looked on. But it is thought the late king would continue his favour to them, by leaving them always reserved to drink his health, an employment most suitable to their principles; for certainly they that live in so merry a mood in his absence, cannot but do extraordinary well when he returns, that is to say, if their money holds out; otherwise they may become Williamites.

About this time, France was as full of the expectation of a general peace, to be concluded all abroad, as other places were full of the rumour thereof; and to stay for the ratification, was alleged to be the only stop that prolonged the late king's coming away, having all things at home and abroad ready, doubting not in the least but all things would have answered expectation. But all the preparations returned to no-

thing, and the great joy, of a sudden, to sorrow; insomuch, that all the tidings at home and abroad met together in the dissolution of the hopes of a second restoration.

The late king having, about the fourth day of February last, new stile, acquainted the French king with the frequent good tidings from his late subjects, who now were returned to their allegiance, and all free to hazard their lives and fortunes for his return, which, he said, were all true according to his intelligence, and that he was most certain and sure, that none would oppose him in England; the French king told him, that he was glad to hear it, and wished it might prove so, but seemed to give little credit to it.

The late king pressed hard to have some succours to come for England the beginning of last March; but still the French king doubted the reality of the English to him, alledging thus, as King James repeated the same after his return from Versailles to St Germains.

"First," says the French king, "as you have experience to know your subjects, so I know them by their character, and do believe them to be a people of no faith, no honour, and no honesty, whom no promise can oblige, nor oath can bind; and as for their clergy, I look upon them much worse than the commonalty, having not only by teaching and preaching taught the people to forswear themselves, but shewed ill examples in themselves by doing the same; they have sworn allegiance to you, and since accepted of the Prince of Orange for their king, and swear allegiance to him; how this swearing to both can be reconciled, I cannot understand: But let them swear what they will, I should not believe them, nor put any more value upon their oath than they do themselves, which is nothing at all. Neither do I understand how you can be assured of them that have no other assurance to give you of their future fidelity but their oaths, which are worth as much now, as when they broke with your majesty last. It is out of my reach to put any trust in such people, neither would I have you confide in them, for I doubt much their integrity; and if they are weary of the war at a distance, what will they not be when it is with them at home? That will be your time to hear them, and not before."

The late king still urged to come for England.

Whereupon the French king told him, seeing he had that confidence in his subjects, that if they did but demonstrate their fidelity by some action, as the seizing of any citadel, town, or fort of any good consequence, and put such in his hands as might be for the safety of his ships, and secure the landing of an army; that after that was effectually done, he would give him succours; but before, he did not think it safe to venture, considering how his own affairs stood at home and abroad. The late king pressed no further upon him, but returned to St Germains, where he told all the particulars, which put that court into such a fit of grief and sorrow, that they were all like so many people going to die. In five days after, all the decayed gentlemen about court were ordered some advance-money upon their pensions, and commanded homeward, to make the best of their way and conditions, who are now upon the road for Flanders; others coming for England, and the rest begging all along, being in a most deplorable condition.

The English protestants about that court do wish themselves at home again, for they are respected as strangers, but hated as protestants, and looked upon as spies from England, so are some Roman catholicks too, who thereupon, both clergy and laity, were forbid the court.

The protestants are hated likewise by the people there, who have the same notion of religion, if not with more zeal, as the people here; the protestants are under the calumnies of the late king's declaration, and the articles both against Roman catholicks and dissenters; and the English protestants about court on that account are loathed and hated by the people there, who are full of it: For English protestants to go

for France, to propagate their religion, where a native protestant cannot live, is but like the quakers that went to Rome to reconcile the pope to be a quaker; they are equally looked upon, though not equally treated; the quakers were looked upon in Rome to be mad-men, and were sent to Bedlam; but our English protestants are yet at liberty, and in more danger of the Bastile than of Bedlam, being of late upon their good behaviour, but still much suspected.

The late king did all along rely upon the pope's interest to mediate a peace abroad, and addressed a great many other princes to the same purpose, hoping that a peace abroad would be a means to bring him to his late home; the pope did use his interest that way, and so did the princes of Italy, but it was to no effect; for nobody seemed willing but the French king to accept of the peace, which in him was but to wheedle some of the confederate princes to listen to his proposals, and accept of his conditions, to divide and break the allies, and that so by taking off some, and dispersing their forces, he may with the more facility crush the rest, and break all at last; but the confederates, who are sensible of his designs, will accept of no conditions from him of his own proposals, but intend to bring him to their conditions; they all foresee he intends to become emperor of the west, which he cannot attain to, but in consequence must extirpate the house of Austria, in whose preservation all the princes think themselves obliged to keep up the war, rather than voluntarily suffer themselves to be brought under a yoke of tyranny and usurpation.

The emperor is well satisfied, that the war made by the Grand Seignior against the empire, was promoted by the French king, and since furthered by him, which consideration requires the emperor to decline all his proposals, until the French king first allays that war raised by himself upon the emperor. As for the King of Spain, the French king is a plague to him by ravaging of his territories, seizing his towns and forts, without any pretence of justice, and compelling his subjects to swear allegiance to him by the law of conquest, which, by divine law, is no lawful right, but a homicide and open robbery; for mankind was free in the beginning, but since, by the power of usurpation, subjected under a yoke, which lost the world forty times over more lives, to continue man's ambition over man, than are left living in the world; therefore, as God's laws are against destroying and killing of men, certainly that power which cannot govern, nor live, but upon the destruction of God's creation, cannot be called just nor lawful *jure divino*, but an absolute tyranny, though some of our divines will say, that a conquest is a lawful title: so it is by the law of the sword, but against the law of natural right.

Some perhaps may take occasion to question, by what law did King William and Queen Mary ascend this throne? A question as soon answered, by a better title than ever Alexander the Great, or Julius Cæsar, had to any part of their several conquests. King William and Queen Mary had the choice and affection of the people, which is the best foundation, and surest title that ever prince had to build upon, and without which, no prince can be safe on the throne. But that prince that has it, and knows how to keep it, and retains it, may reign and rule in defiance of all foreign enemies, if it does not happen to him to have a corrupted council, which is the overthrow of any state, kingdom, or empire. We need not go abroad for precedents, having some of the council at home in being, that brought us almost to destruction, and are as likely to do it once again, as ever they did before, if God prevents not. It is true enough, that where a prince has not an army to rule absolutely, no king of England can hurt the privileges of the subjects, if his ministers and judges be but faithful to the prince and people, in discharge of their trust according to law, but, otherwise, all goes to wreck.

We exclaim against the late king's evil counsellors, and who can say that there was one good amongst them? It is commonly said, that they that have betrayed the se-

crets of one king against the oaths commonly taken, have since betrayed another: Or how can this king and queen believe themselves happy in the council of those whom they themselves know to have been false to the late king? Or is it to be thought the kingdom is asleep, when a clamour is raised against the late king's evil counsellors, when, at the same time, the major part of them are still in our councils and places of trust? which denotes a long snake in the grass. But I shall do by them as God Almighty did, leave them, and return to conclude my discourse; only adding, that the court of St Germains dreads nothing more than such an alteration of the lieutenancy and justices of peace over all England, as it has pleased their majesties of late to cause in London.

The resolution of the confederates against the peace, has altered the measures of France, abolished the thoughts of a restoration, and has put a period to all the designs of an invasion from France hither. It is of all hands in France believed, that through the distraction amongst the clergy and gentry about the taxes, the scarcity of money among the commonalty, with the want of provision, and the excessive expences of the war to maintain so many armies, the glory of that crown, without a peace, cannot hold much longer, the declination of the wealth of France having reduced all people to a very low ebb.

And if the late king and the French king did hold a resolution to land an army in this kingdom, this island is naturally so strongly situated, that they would find it a difficult matter to land an army here, having the elements to fight with, and the sea to conquer, before they can touch the shore; and perhaps the attempt, whenever tried, may prove as fatal to France as the overthrow of the Spanish armada was to Spain; which makes me think of Hegisippus, who personated King Agrippa, in his discourse to Claudius, of the danger and difficulty of invading Great Britain, which discourse ended, as Florus said of the Ligurians, and as I may say, and conclude,—

Major labor est invenire, quam vincere.

'Tis not so hard for greedy foes to spoil
Another nation, as to touch our soil.—WALLER.

A Speech spoken by Isaac Crew, an Orphan of the Grammar-School in Christ-Hospital, to his Majesty King William III, in his Passage through the City of London, November 16, 1697, *on his Return from Flanders, after the happy Conclusion of the Peace.*

After concluding the peace of Ryswick, King William landed in England on the 14th November, 1696, and on the 16th made a triumphal entry into London, with all the magnificence which he would admit. "Some progress," says Burnet, "was made in preparing triumphal arches, but he put a stop to it," as well, according to the right reverend historian, out of a natural modesty, which rendered him averse to such pageantry, as to shun the excess of flattery to which Louis XIV. had given way upon such occasions. It would appear that the speech of Isaac Crew was among the permitted solemnities of the day.

Amidst the loud, repeated acclamations of your joyful people, which, like the voice of thunder, fly round our isle, vouchsafe (dread sir!) a gracious ear to us poor children, who, in softer accents, but with no less loyalty of affection, congratulate your long-desired return in peace and triumph, to this once more happy nation; whose ancient government and pure religion, whose laws and liberties, whose rights and immunities, (things dearer than our blood, and always highest in the esteem of wise and good men) your sacred majesty, with utmost hazard of your unvaluable person, has so gloriously retrieved, and with such matchless gallantry continues to maintain. Nor doubt we, but so immense goodness, joined with so great prudence, is still preparing a fairer scene of things, and new joys for your people.

It is you (illustrious sir!) who are the support of all our dearest interest, the palladium of our present felicity, and the pledge of our future. But your unparalleled virtues are a subject too lofty for our praises, sufficient to exhaust the vigour of the boldest panegyrist; nor can the stock of the whole inspired tribe furnish out an adequate encomium. Your great achievements fill our histories and annals; and Fame, which has spoken such mighty things concerning you, almost staggers in the belief of her own just reports.

Go on (great sir!) beloved of God and man, and having surpassed all ancient heroes, be your own great rival and example.

Heaven smile on all your enterprises, and favour all your great designs, for the advancement of the protestant interest, the prosperity of these nations, and the weal of Europe, and crown that zeal with which your great soul is inflamed towards the publick with suitable successes and rewards.

May you long sway the sceptre of these flourishing kingdoms in security and ease, blessed always with the faithful counsels of the wisest senate, and the entire obedience of a most loyal people. And amidst all the glories of such sovereign greatness, vouchsafe to look down on us poor orphans, and grace our numerous foundation with your princely favour.

May no Alastors henceforth infest your state, no factious jars disturb the civil harmony; but, in an entire accord, may all orders apply to their respective duties, and wisely and thankfully enjoy their happiness, under the best of princes, the best of governments, in the best of kingdoms.

A Memorial drawn by King William's special Direction, intended to be given in at the Treaty of Ryswick, justifying the Revolution, and the Course of his Government. In Answer to two Memorials that were offered there in King James's Name.

At the treaty of Ryswick, the interest of James was resigned in the very preliminaries, since Louis could treat with King William on no other conditions than those of acknowledging him as king of England. Accordingly, the exiled monarch was precluded from sending even a minister to the congress. Yet he issued two papers, the one entitled, A Manifesto, or Summary Memorial, addressed to the Catholic Powers of Europe; the other, A Summary Memorial addressed

to the Protestants. In the first he set forth, in as specious colours as possible, the injustice of the pretexts under which he alleged he had been deprived of his crown, and the importance of his re-establishment to the safety and endurance of all legal governments. To the protestants he repeated nearly the same arguments, mingled with a defence of his conduct against the imputation of having designed the extirpation of the reformed faith. These memorials were answered both in French and English, paragraph by paragraph, with great animation. In these answers, for there were more than one, the crimes of King James against his subjects were urged with sufficient bitterness and contempt, without omission of any particular fact or suspicion which could swell the account. But it would seem, from the following preface, that a still more elaborate refutation of these memorials was actually prepared, and only laid aside because the remonstrances of James seemed to sink into insignificance of themselves. Indeed, James soon betrayed a sense of his own desperate condition, by lodging a formal protest against the congress's expected acknowledgment of King William's title, as the basis of the negociation.

The Preface.

When the treaty was begun at Ryswick, King James ordered two memorials to be offered; the one to all the plenipotentiaries of popish princes, and the other to those from protestants. In both he asserted his own right, and claimed the observance of all the treaties which any of them had made with himself, and mixed with it a severe invective against the late king.

Upon this, it was thought necessary to prepare a memorial in answer to these, which was intended to be given in the late king's name, to all the ministers that were then met at the Hague. These papers were upon this drawn up by the late king's own direction, he explaining himself upon every particular. The draught was examined by the late king himself, and, by his orders, it was carried to some of the wisest and worthiest ministers that our nation has produced in this age, and was very carefully revised and corrected by them.

But when it was resolved to translate it into Latin and French, in order to the communicating it, the late king had advice from the Hague, That those memorials were so little considered there, that the offering an answer to them would give them some credit, and that without that, they had none at all. So this draught was ordered to be writ over again in another style, not in the late king's name, but as the answer of a private hand to those memorials, and so to be printed. Yet before this could be done, another advice came, to let the matter quite alone, and to leave these memorials to sleep in that neglect under which they were fallen.

The matter rested upon this; but these papers being drawn by such an authority, and containing such a full, though short, vindication of the Revolution, since some are willing to bring that matter again into question, it seemed not unseasonable to publish them to the world. The clear and the full answers that these papers give to the memorials that were sent in King James's name, would appear more visible, if those memorials themselves had been in my power to have published them with this; but I have them not now in my hands, nor do I know any one that has them.

And so desirous is the publisher of this, to have them both appear together, being well assured that this will then be much better understood, that if any person that has them will send them to him, he will take care both to translate them, and to print them and this together, and then the world would see the whole matter in a better light.

The Answer to the First Memorial.

The King of Great Britain does not wonder to see a prince who has for so long a time sought to take away his life in the blackest methods, endeavour now likewise to attack his honour, even in the undecentest expressions, of which the late memorial is full. The late king while he was in Ireland, did himself concert with one Jones,[1] the way of murdering the king: But so tender was his majesty of the honour of a person so nearly related to him, that he gave order to suppress that matter, though the authentical proofs of it are yet extant, in letters and other papers taken in the late Earl of Tyrconel's cabinet. Grandval's confession is well known: And Sir John Fenwick did lately claim merit by his diverting another design to murder the king, pursuant to a commission, that though it was not come over, yet was affirmed to be signed by the late king. His having laid the design of murdering the king a year ago, and his having sent over persons and a commission to that effect, have been so undeniably proved, that all Europe is still full of horror at it. Of such practices heathens would be ashamed. The pursuing them in such a manner, year after year, deserves severer words than the king thinks fit to use, even after such provocation: Such regard is had to the high birth, and the rank which that prince once held in the world.

The king had the less reason to have expected such practices from the late king; because, though he had him so long in his power, he did him no hurt, nor put him under any restraint. He refused to harken to the advices that many gave him, of securing his person till a general peace should be made; or at least, till Ireland should be reduced. Some who offered those advices are now in the late king's interest, and can, if they please, inform him of the truth of this matter. The late king himself desired to be attended by some of the Dutch guards when he went to Rochester, and sent to the Count de Solmes to that effect, who immediately ordered it, without any direction from the king, who was not then come to London. When the king knew of it, he sent orders to those guards to wait about the late king in what manner he himself should command: And it was visible to those who were about him at that time, that he was all the while as much master of himself, as when he was served by his own guards.

The memorial makes it necessary to lay open the whole progress of affairs, as they passed between his majesty and the late king.

Upon the late king's first accession to the crown, the king made offers to him of all the service and assistance that was in his power; which soon after was very useful to him, and contributed not a little to the settling him on the throne: But though he had no reason to be satisfied with the returns that were made him, yet he resolved to have patience, and to bear with every thing that related to himself.

When his opinion was asked concerning the repealing the laws that related to the Roman catholicks, he declared his thoughts very freely of those penal laws under which they lay, by reason of their religion: He liked the motion of repealing them, which might have satisfied all those of that communion, as it did the most moderate of them. He did not indeed think it adviseable to repeal those other laws that excluded them from sitting in parliament, and from offices of trust. This proposition, if closed with, would have made the Roman catholick subjects safe and easy; and if they had behaved themselves so well upon such a favour, as to put an end to the jealousies of the nation, they might after that have pretended to farther degrees of confidence

[1] Burnet assures us, that there is frequent mention made, in Tyrconnell's letters to Mary of Este, of a bravoe called Jones, an Irishman by birth, who, it seems, was engaged to murder King William. He adds, that James was brought with difficulty to acquiesce in the proposal, but that the assassin, after having received a considerable earnest of his reward, disappeared, and was never after heard of. The tale seems at least doubtful.

with a better grace; for it gave too just an occasion to jealousy when all was asked at once: And it was said, "All or nothing."

This did too evidently demonstrate, that the late king's zeal for his religion was managed by those who had set all Europe on fire, and designed to embroil England, that so it might have been brought into a necessary dependence on another court; or at least, be put out of a condition to have the share in the balance of Europe that naturally belongs to it, till all the rest should have been subdued; and then it must have been at mercy likewise. Methods were taken in order to the compassing those ends, that would soon render all publick laws and liberties very insignificant things Judges were made, not according to the ancient constitution, *Quamdiu se bene gesserint*, during their good behaviour, but during pleasure. By many changes the bench was oft altered, every judge being turned out as soon as he stuck at any thing that the court desired. At last, and not without great difficulty, and after many removes, twelve men were found out, who judged, that the king could dispense with those laws, though it was notoriously known that they were made on design to restrain the crown from making any use of Roman catholicks, either in places of trust, or in parliament. The penalties on those laws were not such as accrued to the crown, which by consequence might have been pardoned; they were forfeitures of great sums, which were by law given to informers: they who transgressed were also put under such incapacities, that whatsoever they did was null and void; to the removing of which, it was never before pretended that the regal prerogative could be carried.

A judgment so destructive to the whole constitution of this government, given by precarious judges, who had been all examined before they had been advanced, could not in so plain a matter alter either the nature of things, or the sense of the nation: And since the strength of every law lies in the penalty upon which it is enacted, a power of dispensing with penal laws, though then applied to a few of them, was in its just consequence a power to evacuate all the laws and liberties of England; of which this nation has been, at all times, so justly tender and jealous.

As soon as this power was thus authorised, the clergy of England were subjected to a commission, that, as it was illegal in its constitution, not only without, but against an express law to the contrary, so it had no regard to any rules of law, but was composed of persons who proceeded arbitrarily in every thing that was brought before them.

When the church of England was put under this yoke, the whole body of the clergy was required to publish a declaration, that was founded on the dispensing power, and that asserted it. The king was then applied to in Holland, and desired to interpose, for preventing the confusions that these kingdoms were like to fall under, and for hindering the advantage that another court was like to have by it. He avoided meddling in it, till he saw matters driven to the last extremities, and that the danger was not only visible, but imminent.

For while England was in this struggle, the state of affairs beyond the seas called for speedy remedies: All the places in the bishoprick of Cologne were possessed by French garrisons: And before the king set sail for England, the French king had declared war against the Emperor; the dispute concerning the electorate of Cologne being a main article of that declaration, which concerned the states very nearly, since it lies in their neighbourhood.

About that time, the French ambassador at the Hague, in a memorial given in to the states, did affirm, that there was an alliance between his master and the late king. This, whether true or false in itself, was a just ground to the states to believe it; and this was heightened when the English minister, who was at Paris when it was sent, after a short and feigned disgrace upon his return to England, pretended on that ac-

count, was, from being a prisoner in the Tower of London, made governor of that important place.

The states of the United Provinces said the truth, when they affirmed, that the king was not gone to England on design to dethrone the late king: He came over, declaring a full purpose to leave the cure and settlement of the nation to a free parliament. And when some lords were sent to him by the late king, to ask him what it was that he proposed, his answer was, that he desired that the administration of the government might be brought into a state conformable to the laws then in being: so that no persons who were under legal incapacities might continue in publick offices or trusts; and that a parliament might be called, and sit in full freedom, both armies being at an equal distance from it; that so proper remedies might be applied to all the distempers into which those violent councils had thrown the nation. By this it appeared how firmly the king had adhered to his declaration.

During this negociation, and after the late king had notice given him what the king's demands were, he, upon reasons best known to himself, threw up all, and abandoned the government; and let his army loose upon the nation, and the rabble upon the city of London, and withdrew himself: By which he did all that in him lay, to cast these kingdoms into most violent convulsions, and exposed even his own friends to all the hardships that might have been apprehended from enraged multitudes: For if the providence of God, and the natural gentleness of the people of England, had not proved effectual restraints, this nation had become a scene of fire and blood; which the enemies of this kingdom persuaded the late king to venture on, rather than to stay, and suffer a parliament to enquire into the causes of the miseries the nation was fallen under, and to secure their religion and property.

Upon this, that part of the nation which had, till then, adhered to the late king, finding themselves abandoned by him, desired that the king would assume the administration of this forsaken government; which he consented to do, till a convention of the states should be brought together, to give it a full and legal settlement.

He did take a most particular care, that the elections should be carried with all possible freedom, not only without violence and threatenings, but even without recommendations, or any sort of practice, how usual and how innocent soever. The like care secured their liberty when they met; every man argued and voted in the great deliberation then on foot, both with freedom and safety: Nor did the king speak to any person, or suffer any to speak in his name, to persuade, much less to threaten, those who seemed still to adhere to the late king's interest. So strict was he in observing the promises he had made in his declarations. It was thought a remissness, and a hazarding the publick too much, to interpose or move so little in those matters as he then did.

The convention came to a full resolution, and judged, that the late king had broke the original contract upon which this government was at first founded, and after that, had abandoned it; so that it was necessary for them, being thus forsaken by him, to see to their own security. And as they judged that the late king's right to govern them was sunk, so they did not think it was necessary or incumbent on them to examine that, which the whole nation in general, as well as the king in particular, had just reason to call in question, concerning the birth of the pretended Prince of Wales.

When the late king had quite dissolved the tie of the nation to himself, they thought they had no further concern upon them to enquire into that matter; and therefore they thought it fit to let it remain in that just doubtfulness under which the late king's own method of proceedings had brought it: Besides, that a particular care had been taken by the late king, to cause all those who had been in the management of that matter, or were suspected of having a share in the artifices about it, to be carried over

into France: so that it was not possible to come at those persons, by the interrogating of whom truth might have been found out.

The king expressed no ambitious desires of mounting the throne: The addresses of both houses, and the state of Europe, which seemed desperate without a mighty support from England, determined him in that matter. But as he can appeal to God of the sincerity of his intentions, who alone knows them, so he has an infinite number of witnesses, who saw and can justify his whole conduct in the progress of that revolution, if it were fit for him to appeal to them.

He is quiet in himself in the conscience of his own integrity: His subjects and his allies see how much he has sought the public good, both of his people, and of all Europe; and how little he has regarded either his own quiet or safety. He being secured of these, is little sensible of all that the malice of his enemies can suggest, to detract from him, or to asperse him.

The first thing that his majesty applied his thoughts to in his government, was to quiet all men's fears and apprehensions, by acts of grace and oblivion. This is now objected as a proof, that the dispensing power assumed by the late king was not illegal, since none of the judges have been punished for the judgments that they gave in that matter. Some of the chief of them died in prison, while others fled from justice; so that those who remained were thought below the indignation of the public. The king makes a great difference between the effect of the fears and feebleness of some weak men, and the blacker design of their managers; the one may be as proper objects of mercy, as the others are of justice: Therefore, though his majesty's gentleness towards these, and an aversion that this nation has always had to severe (though just) punishments, has covered them: yet this will never justify that conspiracy against law and liberty, in which many of the judges were but the weak and unwilling instruments of restless priests and jesuits. The nation has fully declared their sense of these matters in several bills, to which the royal assent has been given.

Amongst these, one was against the king's intermarrying with Roman catholics. The nation had felt the ill effects of three of those marriages successively, in very fatal consequences; and the king was so sensible of it, that as the two houses of parliament judged it necessary to desire a security against such marriages for the future, so the king thought it not reasonable to deny it.

It is no new thing in this government, for king and parliament to limit the succession of the crown: it has been often done. A disability was once put on the heirs of the crown, in case they married otherwise than as that law prescribed; and it is a crime highly penal, by a law still in force, which was at no time attempted to be repealed, to deny the authority of the king and parliament, in limiting the succession of the crown. So far is that act, passed by the king, from being contrary to the fundamental laws of this kingdom.

The king has at all times professed, that it was his fixed principle, that men's consciences ought not to be forced in the matters of religion; but that these ought to be left to God. He has always acted pursuant to this rule, because he thinks it just in itself, and that it is a wise measure of government. He wishes that the moderation of his government towards his Roman catholic subjects, might dispose both princes and nations of other communions, to practise the like towards those of his religion. He has particular reasons to be more than ordinary jealous of the affections of his Roman catholic subjects, yet such of them as live quietly, are put to no trouble upon the account of their religion; and though the nation was much provoked by their behaviour during the last reign, yet, as no new laws have been made against them in his reign, so there is a general non-execution of those that were made long ago, and are still in force. The laity of that religion are under no vexation; and it is not to be wondered at, if those laws are, in some few instances, executed against some turbulent spirits,

who give just cause of jealousy. But the king has reason to believe, that there are few instances even of any such prosecutions, since so few complaints of these have been brought to him; nor is there any part of his dominions so distant from him, but that such complaints, if there was cause for them, would soon reach both his ears, and the courts of all Roman catholic princes in Europe.

The king thinks it becomes him likewise to do this right to his subjects, as to own the great moderation that they express upon this occasion; and that even the rewards that the laws had provided for encouraging informers, do not set them on to an eagerness in prosecutions. And though the many provoking instances that they daily see or hear, of unjust and violent proceedings in matters of religion, within a neighbouring kingdom, might move them to severe reprizals, yet the temper of the nation, as well as the principles of their religion, disposes all people to an universal moderation in those matters.

As for the reflections that are made on the king's person and actions, in the late memorial, that are as unjust as they are indecent, his majesty has reason to despise them, and judges it below him to answer them; but as all the black attempts of his enemies against his life have never been able to provoke him to any such against them, or to lessen the horror that he naturally has to such designs, so he is above those poor effects of impotent malice, that breaks out into slander and calumny: He will make no returns that way neither. God in his providence had preserved him from the one, even without any great care of his own; and he is so confident the world will regard the other so little, that how silent soever he may think it fit to remain under them, they will be able to make no impression on just or equitable minds.

The Answer to the Second Memorial.

The late king has seen that the much greater part of the Roman catholic princes and states, notwithstanding their zeal for their religion, have yet been so just as to rest satisfied with the late revolution, and have not taken upon them to pass any other judgment concerning the laws and constitutions of these kingdoms, than what was concluded by the estates themselves, by which they have been determined. And since his complaints have made no impression on them, he has no reason to expect that his Memorial, addressed to the princes and states of the protestant religion, should succeed better.

They who saw how little he considered his oaths and obligations to his own people, and most particularly to that body among them of the church of England, that as it was much the strongest, so had engaged in his interests, and had maintained his right of succeeding to the crown with the greatest zeal, can expect nothing from his restoration, but the total extirpation of that religion which they profess; for a prince who considered his faith to his own people so little, can have no regard to strangers.

The matter contained in both Memorials are so much to the same purpose, that the king thinks fit to join the reflections that he makes on the last, in the same paper with those he made on the first; so that the justice of his cause may appear more evidently in one view, and without needless repetitions.

The king does not think it proper nor necessary for him to enter into the discussion of the lawfulness of the late revolution. That has been copiously done already by the men of those professions to whom the managing of such questions does belong, both with relation to the principles and rules of the Christian religion, and to the laws and constitution of these kingdoms. It is acknowledged by all, that the measures of obedience and subjection do vary in all nations, according to the diversity of their consti-

tution; nor is it denied by any that have looked into the history or laws of England, that the crown and the regal prerogative here are limited by law.

A great difference is also to be made between the overthrowing the constitution and fundamentals of a government, and some lesser violations. The preserving the one against open attempts made upon it, has been universally justified by the chief assertors of the sacredness of princes.

A main and fundamental point of this constitution is, That the subjects ought to be governed by laws enacted in parliament, and not by the mere pleasure of the king.

The late king set himself to overturn this, not only in some practices that imported it by consequence, but by a public act of state; by which he declared, that the power of dispensing with laws was a right of the crown, upon which he assumed it. This struck at the foundation of the government; and the exercise and progress of it must have been fatal to the liberties of the people. Upon that, divers persons of great eminence invited the king to come over, and to endeavour to bring things back to their ancient channel. The king thought it became him, who was nearly concerned in the succession of the crown, and in the preservation of the constitution, to come over on that design: But the late king chose to desert his government, and to have recourse to a foreign force, and to the ancient enemy of this kingdom, rather than to suffer a parliament to sit, and to settle the nation, which was then quite shaken by his ill administration. By his so doing, he set his subjects free from any farther tie to himself, and made it necessary for them to see to their own safety; which they did, by continuing the ancient government, with no other interruption than what their present circumstances made unavoidable.

This appeared to have been the more necessary, when, by the short essay of the late king's government in Ireland, he shewed how little regard he was resolved to have either to law or justice for the future: Even the prospect of regaining what he had lost by his own ill conduct, could not then restrain him; which made it very evident to all men, what they were to expect from him, if they should ever again fall into his hands. It has also appeared in many instances since that time, and most particularly in the late Memorial, that he still adheres to the same designs and maxims of government; notwithstanding all the reports that some, who are either deceived themselves, or intend to deceive others, give out of a change in his notions, and of a sense of past errors; of the contrary of which he now takes pains to convince all the world.

Nothing was done in the progress of the whole revolution, but that which he made inevitable by some act or other of his own. It went not upon false suggestions, nor barely upon the pretences of redressing particular grievances, or some doubtful oppressions, much less on the ambitious designs of his majesty, that are so often and so maliciously represented as the true causes of the revolution. It was the late king's open throwing off the restraint of law, and his setting about a total subversion of the constitution, that drove the nation to extreme courses.

The oath of allegiance can be understood only in the sense limited by law, and so they cannot be conceived to bind subjects to a king who would not govern them any longer, unless he might be allowed to do it against law.

A revolution so brought about, carries in it no precedent against the security of government, or the peace of mankind. That which an absolute necessity enforced at one time, can be no warrant for irregular proceedings at any other time, unless it be where the like necessity shall require the like remedies.

But since the late king thinks fit to reflect on the oaths of subjects, he ought also to remember the oath which he himself swore at his coronation, to defend the church of England, and to maintain the laws; to neither of which he shewed any regard in his whole government, but set himself to overturn both.

The many alterations that have been made in the succession to the crown of England, upon occasions that were neither so pressing nor so important as those of late were, should have obliged those who penned the Memorial to be more reserved, and less positive, in affirming things so contrary to the known history of this kingdom. These revolutions were confirmed by laws, which were not afterwards, upon succeeding changes, repealed; for they continue still in force: Nor was the crown of England ever reckoned to be such a property to those who held it, that they might use it or dispose of it at pleasure, as this Memorial seems to suppose.

The king thinks it not necessary to add much to what has been already said upon the subject of the pretended Prince of Wales: it was the late king's own conduct that gave just cause of jealousy in that matter. No satisfaction was offered, neither to those who were most immediately concerned, as being next in the succession, nor to the rest of the nation; which yet might have been done in a way that could not have admitted of any doubt, if there was no imposture designed in the whole conduct of that affair. This gave an universal suspicion; which was so public, during the time when it was given out that the late queen was with child, that the whole nation was possessed with it. And since nothing was done to give them any just satisfaction, in a matter of that importance, and which might have been so easily performed, and was so much their own interest to have done, this gave a violent presumption against them, that such an unaccountable management was necessary to cover a black contrivance. And how odious soever that imputation may appear to be, yet those who have been since that time so often engaged in the design of assassination, ought not to think it strange if they are also judged capable of the other.

Foreign princes and states must acquiesce in the public judgments that are made by the only proper courts, that can enquire into and judge of the constitution and the affairs of other kingdoms. Foreigners have not the power of examining or judging them, nor the means of doing it. The only rule by which all other princes or states can judge of the laws and proceeding of these kingdoms, is the determination and conclusions made in a free convention of estates; which have been approved of, and mightily supported since that time, by two succeeding parliaments, that were freely chosen, and have acted with full freedom.

This, as it is notoriously evident to all Europe, so it is that by which all other princes and states must be concluded, in the judgment that they may make concerning the affairs of these kingdoms.

The leagues and treaties between other princes and states, and the crown of England, are not personal but national obligations. For these, though they are made by sovereigns, yet relate to their people, and to the intercourse and commerce between them and other nations; and are such reciprocal ties, that no prince nor state can be bound by them to any other prince who has forsaken his post, and is no more acknowledged by his people; by the means of which he can no more perform those articles to which he was bound on his part by such treaties. So that the late king, by abandoning his people, has lost the benefit of those alliances.

The engagements that do arise out of them follow the crown of England, and are now vested in his majesty. Nor do those princes or states stand engaged by them to the late king, all the rights and obligations flowing from them being now wholly due to the king.

His majesty does not apprehend any thing from the intimation given in the Memorial, of revolutions that may happen hereafter. There is no great reason to think, that these nations, which have been in all past times so careful to preserve their laws and liberties, should at any time hereafter come to lose all regard to them so entirely, as not to maintain a revolution, which has secured them from imminent ruin, and has

given their constitution such a confirmation, and such explanations, as the injustice and violence of the former reign had made necessary.

The king reckons his having been the instrument, under God, of effecting this, amongst his greatest honours; and by the grace and blessing of God, he will maintain it as long as he lives; and doubts not but that he shall transmit it to those who are to succeed him, according to the present settlement. Hoping that God will so support and bless him, and them after him, that the religion and the liberty of these kingdoms shall be preserved pure and entire to all succeeding generations.

The late King James's Letter to his Privy-Counsellors. With just Reflections upon it, and upon the pretended Prince of Wales. And a short Account of the Judgment of the Parliament, 1 E. 4. in Confutation of the Author of [The Case of Allegiance to a King in Possession:] With the Reason why the Sham Birth has not been publickly exposed. 1692.

From the contents of this Tract, it would seem to have been published in opposition to the measures adopted by King James to authenticate the pregnancy of his queen in 1692. Upon this occasion there was circulated generally, among the English nobles and privy-counsellors, an invitation to be present at the expected birth. Several ladies of rank, and Dr Chamberlain, the celebrated man-midwife, were in like manner invited. It is remarkable that Dr Burnet has suppressed, rather disingenuously, the fact of Mary of Este's pregnancy in 1692, lest it should confirm the reality of the former conception of the Princess of Wales. The author of this Tract takes occasion to revive the various reports which had been current upon that subject, and labours hard to apologize for no public step having been taken to bring forward proof of the imposition which James had attempted to pass upon the nation, in the birth of his pretended son.

JAMES R—

How much soever the late king may flatter himself with an empty name, if he had consulted his trusty counsellors, the jesuits, or the laws of that kingdom which he might have governed happily to this day, if he had pleased, he would have found no reason to continue this style.

For the judgment of his best-loved counsellors, I shall refer him to two men of undoubted credit with that society,[1] Lessius and Becanus, who both hold, that when a prince is deposed, he ceases to be a prince, and becomes a private person.

The authority for this they both place in the estates of every kingdom, and hold it justifiable to depose a prince for tyranny in the administration, when he designs in his government, and aims at his private advantage, and not the publick good, &c.

[1] *Lessius de jure et justitia*, p. 79. *Tum desinit esse princeps, &c.* And Falkner's Christian Loyalty, p. 343, 344, citing them, both agreeing almost in the same words.—*Orig. Note.*

But unless it was for the publick good of this nation to bring it into subjection to the see of Rome, and for that end to exercise an arbitrary power in dispensing with the laws of the kingdom, it must be granted that the late king was far from aiming at the publick good.

For the laws of England; I shall not here have recourse to those numerous precedents, which may be produced as evidences of the law in this matter; but shall content myself, and, as I believe, the impartial reader, with an act of parliament,[1] which a popish parliament, 12° R. 2. refer to, as known and upon record; and [2] but very lately before that time put in practice.

"Whereby, if the king, through a foolish obstinacy, contempt of his people, or perverse froward will, or any other irregular way, shall allienate himself from his people, and will not be governed and regulated by the rights of the kingdom, and laudable ordinances, made by the counsel of the lords and great men of the realm, but shall headily in his mad councils exercise his own arbitrary will, from thenceforth it is lawful for them, with the common assent and consent of the people of the realm, to abrogate or depose him from the throne, and set up in his stead, *propinquiorem aliquem de stirpe regiâ*, somebody of kin, or near of kin, to the king, of the royal stock." It is not *proximum*, the next upon the line; and then the *aliquem* gives a latitude for choosing any deserving person of the stock royal.

Obj. 1. I know it will be said, that this law is no where to be found, but in an historian of the time.

Answ. 1. That the parliament urged such a statute, and that it was a known law at the time when it was referred to, no man can doubt; though indeed it is highly probable that R. 2. having assumed a very arbitrary power after this admonition, caused this statute, which stared him so full in the face, to be taken off the file. Certain it is, that when, at the end of his reign, the parliament were enabled to call him to account, among other grounds for his deposal, they say, "He had caused the rolls and records concerning the state and government of his kingdom to be destroyed and razed, to the great prejudice of the people, and disherison of the crown of the said kingdom, and this, as is credibly believed, in favour and support of his evil governance." Knighton Col. 2752.

Answ. 2. Farther yet, though that statute is not now to be found in words, yet the late king's coronation oath might have advertised him of its being in force, as to the substance of it, to this very day.

According to the ancient formulary, he either swore or ought to have sworn, "To grant, keep, and confirm the laws, customs, and freedoms granted the clergy and people by the most holy and glorious King Edward." *Vid. Rot. clause* 1. E. 3. *et Mag. Cart. ed. cum privilegio, an.* 1559. *Juramentum Regis quando coronatur.*

This was Edward the Confessor, of immortal memory, for his collecting and strict observing the laws of the kingdom, as well as for the admired sanctity of his life.

Whereas the statute referred to 12° R. 2. makes one of the conditions upon which the sovereignty depended, to be, that their kings should observe the ordinances made by the counsel of the lords and great men of the realm, (the difference between which and acts of parliament is obvious:) In that body of the Confessor's laws transmitted down to us with unquestioned certainty, it is written, *Rex debet omnia rite facere in regno suo et de consilio procerum suorum*, "The king ought to do all things in his kingdom according to law, and by the judgment of his peers." St Edward's law goes farther, and is express, that unless the king perform his duty, and answer the end for which he was constituted, *Nec nomen regis in eo constabit*, not so much as the name of king shall remain in him. *Vid. Leges Regis Ed. c.* 17. *de Regis Officio*, Lambart's *Archaionom*, Hoveden, f. 644, &c.

[1] Knighton Col. 2683, 12 R. 2.

[2] Meaning the case of E. 2.

To proceed to the Letter itself.

"Right trusty and well-beloved cousin and counsellor, we greet you well. Whereas our royal predecessors used to call such of their privy-council as could conveniently be had, to be present at the labour of their queens, and witnesses of the births of their children,[1] and that we have followed their example at the birth of our dearest son James Prince of Wales."

One would think that this was penned by some French secretary, the English is so bald and improper, as where the letter mentions the calling such of the privy-council as could be had; and whereas that we have followed, &c. However no example can be shewn of any one of his predecessors, who pretended to have a privy-council after he had ceased to be king; or, at least, that thought it to any purpose to have witnesses of the births of their children, when themselves had no inheritances to leave them.

But as to the insinuation concerning the pretended Prince of Wales, his birth would have been less suspected, if all the witnesses who swore materially, were not to be thought parties; if the bishops had not been sent to the Tower, as it were on purpose to remove the necessity of sending for the then Archbishop of Canterbury, who had not at that time resigned himself up to the French interest; if there had been credible proof of the late queen's having been with child before she was brought to bed; and she had not been past the years at which it was usual for Italian women to bear children.

And yet if we could believe that she was really brought to bed of a son, and that the son is yet living (the proof of which we must fetch out of an enemy's country), how could that in the least affect the right of their present majesties, who have been declared king and queen by the authority of the States, and that according to the express letter of the statute cited, 120 R. 2, which shews that the States, upon the abrogation or abdication of a king, are under no obligation of submitting to the next in the line, nor can a prince who has departed from his title, voluntarily, or by legal implication, leave any right to descend from him.

Vid. Camden's Eliz.

Indeed, when Mary Queen of Scots was adjudged to lose all her right of succession to the kingdom of England, for her attempts against Queen Elizabeth, all the judges of England being consulted whether this would not cut off the interest of her son, declared it would not: But it is to be considered,

Ans. 1. 1. That the opinion of the judges in that case could not alter the law.

2. 2. That it was very likely that they would favour King James, who at that time had a great reputation and interest in England, as much as they could, with any appearance of reason; and there seems some colour for it, from the penning of that statute, which was made in the view of the pretences of the Queen of Scots, and her known conspiracies, for which she was tried.

Stat. 27 Eliz. c. 1. The statute makes a plain distinction between a bare design, and a design which should take effect. In the first case, they exclude and disable the immediate pretenders, if guilty within that act.

In the second, they exclude and disable the persons pretending title after the queen, and their issue, if consenting or privy. Where the first branch seems capable of an explanation by the 13th of the queen, which, in like cases, disables persons during their natural lives only, as if such persons were naturally dead.

13. Eliz. c. 1. In which act there is plain provision, that the issue shall not be prejudiced, but shall be in the same condition as if the parent had died before the offence committed; and though the same might be thought to be intended by the stat. 270, yet it not

[1] Whereas, &c. and that, *i. e.* whereas that.—*Orig. Note.*

being expressed, the lords, with great reason, made a question of it; for if this had been the intention of the parliament 270, one would have thought they would have followed so plain a precedent so lately set, in words which would admit of no dispute. And it appears very plainly to have been the judgment of the parliament, 13 Eliz. that the disabling the party would, by operation of law, have disabled the issue, unless they had particularly provided against it. Certain it is, that the states of the realm having[1] deposed *E.* 2. he accounted it[2] a special favour that they would choose his son to succeed him.

" However, that precaution was not enough to hinder us from the malicious aspersions of such as were resolved to deprive us of our royal right."

Here is a smack of the French scribe again: Who else could have thought it an hinderance to have been kept from aspersions? Or would any Jacobite, who understands our language, use words which admit that the late king stands deprived of his royal right.

But whatever is here suggested, is undoubtedly owing to the just causes of suspicion which the necessity of the matter, or their own ill management, occasioned, so that it must be imputed to their own fraud or folly; most even of them who stand up for a supposed right in King James, look upon the Prince of Wales as supposititious, and will acquit those from malice in this particular, whom yet they stick not to charge with rebellion.

" That we may not be wanting to ourself, now it hath pleased Almighty God, the supporter of truth, to give us hopes of further issue, our dear consort the queen being big, and drawing near her time; we have thought fit to require such of our privy-council as can come, to attend us here at St Germains, to be witnesses to our said consort the queen's labour. We do therefore hereby signify this our royal pleasure to you, that you may use all possible means to come with what convenient haste you can, the queen looking about the middle of May next."

In this, and the former paragraph, such stress is laid upon the birth of children by the late queen, as if the disbelief of the former pretence were the sole occasion of the abdication, and nothing of misgovernment, and breach of the original contract, were in the case. The witnesses required at the second scene, are privy councillors to the late king, but whether meant of them who had been of the privy-council while he administered the government, or such as act by commission from him, to plot against the present government, does not appear.

Their plot, which was within these few days the boast and merit of their party, must now be denied with as great confidence; but if there had wanted other proof, the timing the appointment of the birth of another prince, the avowed expectation which they had just at this time, the coming of the French fleet, the preparation for a landing here, and the readiness many expressed to receive them, sufficiently speak their detestable design; but that glorious victory of our fleet, which has dashed their hopes, and broken their measures, will undoubtedly cause an abortion of the intended birth, or an adjournment to some month more favourable to them than May, which is expired, and yet we hear of no young prince born; but both the late queen, and the French partisans, must confess themselves out in their reckoning; and Almighty God, who, as the letter observes, is the supporter of truth, is the exposer of impostures.

" And that you may have no scruple on our side, our dear brother, the most Christian king, has given his royal word and

That the nominal most Christian king has passed his word, must be taken upon the word of the late king, to which much

[1] Walsingham f. 107. *Rex dignitate regali abdicatur et filius substituitur.*
[2] *Vid.* Knighton *ad finem regni E.* 2.

promise to you, as we hereby do, that you shall have leave to come, and, the queen's labour being over, to return with all safety."

credit cannot be given by any who considers how well he maintained his coronation oath, and the promises which he made in favour of the church of England; and what regard the French king has to oaths, and the most religious promises, is notorious to the whole Christian world; and by this time his truest friends, the Turks, repent of their having trusted him.

Besides, the promise here is very fallacious; for it is, that they shall have leave to return [the queen's labour being over]; but if she be with child of a cushion, her labour will never be over, and they shall be detained here till they abjure their religion.

"The iniquity of the times, the tyranny of strangers, and misled party of our own subjects, brought us under the necessity of using this unusual way."

The papists, indeed, have reason to complain of the times, which are very impropitious to them; but even they cannot complain of tyranny, having had experience of the lenity of their majesties reign beyond their deserts, or hopes, as the most moderate of them will confess.

Tyranny, in the most common acceptation of the word, is applied to tyranny in the exercise, and the present administration is, in that respect, a rescue from tyranny; nor can their present majesties be accounted strangers or tyrants in title, who had a true legal qualification for succeeding to the vacant throne, and have been settled in it according to the constitution of this government, as all, who know any thing of it, must acknowledge; and they only are the misled party, who believe the contrary. That necessity, which the letter complains of, came from other causes than are there mentioned, and such causes as are inseparable from that superstition, the obstinate adhering to which has had such a fate, as the councils of the jesuits have merited and extorted.

"Yet we hope it will convince the world of the truth and candour of our proceedings, to the confutation of our enemies."

The English world would be very easy of belief, if they should be convinced by what might be deposed by them, who should be so foolish, or such traitors to their country, as to go to France upon this occasion.

But, should they be to be believed, and swear home to the birth of a prince at this time, that would not remove all the objections which have been generally received against the former; nor, considering the great alteration in constitutions which the difference of climates may make, would the late queen's having a child in France be a convincing evidence that she might have had one in England, in that state of health and constitution which she was in here.

"We not doubting of your compliance herewith, bid you heartily farewell."

He must needs have had great proofs of their obsequiousness, who (if he can think they were protestants) would venture into France upon his parole, or the French king's: Yet it is not to be questioned but many had given him mighty assurances of their being resolved to venture all things for his service, who yet would venture no farther than in words and oaths, of which they certainly have been liberal to both sides.

"Given at our court, at the castle of St Germains, the 2d of April, *stilo* N. 1692, and in the 8th year of our reign."

A castle seems no improper place for his court, who is, in effect, but the French king's prisoner; but what he sends to England, while he is in the power of the nation's inveterate enemies, is not likely to prevail with any true Englishman.

——— *Metuunt Danaos vel dona ferentes.*

How he comes to reckon this the 8th year of his reign, I cannot tell; I am sure there is no precedent for it in the English annals, which will come up to his case. His brother, I must own, dated his reign from the death of his father, and supposed it to have continued during all the times of usurpation; but he had not been formally set aside by a regular convention of the States, nor had any one been chosen or declared king in his stead.

Indeed, E. 4. was accounted king all the while from his first assuming the royal dignity to his death, though H. 6. was in possession for a short interval; yet it is evident that whatever E. 4th's right was, his own parliament did not account him king by reason of any right which he had without an election of the States, upon H. 6th's incapacity to reign, and breach of the contract settled in parliament, between H. 6. and the father and son, Richard Duke of York and E. 4. Vid. Rot. Parl 1 E. 4.

And the short possession of H. 6. after a redemption of power, was accounted a nullity, because of his inability to reign, joined with the consideration of that sudden and transient force which the states were under, and from which they as suddenly freed themselves.

But as Richard Duke of York was never accounted king, being never submitted to by the states, E. 4. was not accounted king till submitted to, so that the government was always held to go along with their submission, while it was to a person capable, and they might be thought to have acted with any manner of freedom, and full purpose of settling it.

For proof of this, I refer myself to the circumstances in story, and the records of parliament of that very time from whence the divine-right-men fetch their notion of king of right, and king in fact; at which time he who was upon success, adjudged to be the king of right, was not adjudged to have reigned till the 4th day of March, on which day he was put into possession by the consent and choice of the states of the kingdom: And though the king in fact was held to have been unable to govern, and to have broken the contract, before that 4th of March, yet he was accounted to have reigned till then. And whereas the author of The Case of Allegiance to a King in Possession, (who argues unanswerably upon the fact yielded to him by some without any ground,) affirms, 'That H. 6. was attainted of high-treason against Richard Duke of York, who was not king, but only declared heir to the crown.' Which would argue that the parliament which attainted H. 6. looking upon Richard as the king regnant, notwithstanding the possession of H. 6. the fact is quite otherwise; for no act against Richard was accounted treason, nor even against E. 4. till the parliament had declared him to be in possession, upon the submission of the States; and this, though H. 6. had abdicated before the day by which they adjudged the possession to E. 4. Nor is it material to say, that several treasons were assigned, which were committed before King Edward's coronation, unless they had been before the 4th of March, when the States gave him possession. But any man that reads the parliament roll itself, without trusting to abridgments, will find, that E. 4. was not accounted to have began his reign before the 4th of March; and as in reason there can be no treason against any person before he is king of this kingdom, neither was any act against E. 4. before the 4th of March, on which day he began his reign, to be treason even by his own parliament. Rot. Parl. 1 E. 4. Hollingshead f. 661,662,663. Stow. f. 414. Case of Alleg. p. 11. Case of Alleg. p. 11. All which treasons were committed before King Edward's coronation, and so before he was king in full possession.

This may satisfy all unbiassed persons, that unless James the Second should be readmitted (which perhaps might argue that the States retained a purpose to return to his obedience,) his reign must now, and will in all after ages, be held in judgment of law to have determined, if not at the time when the States adjudged the vacancy to have began, or at least when their present majesties were first declared king and queen, and that before their taking their coronation-oath; as long as they not only refused not to take it, but expressed their acceptance of the government, according to the

constitution, by which it is always presumed, till the contrary appears, that every prince who assumes the royal dignity, will take the coronation-oath at some convenient time of his own appointment, or their choice.

Vid. inter decem Scriptores Gervacium Dorobern. et Bromton in vita R. Steph.

But though Maud the empress had been declared queen upon success against King Stephen, yet she refusing to maintain the Confessor's laws, the promise of which is an essential part of the coronation oath, was rejected almost as soon as received; and by an hasty flight, gave an early example of the late abdication.

Though she was the grandchild of one whom some now will make a conqueror, freed from any obligations of observing the old Saxon laws, yet there was never any pretence set up for her ever after; much less was she thought to have continued her reign; and though many declared for her son H. 2. in her lifetime, yet he found it convenient to accept of a settlement of the crown, in remainder after the death of King Stephen, as his adopted son; the charter of which adoption is to be seen in the historian Brompton. But the late king, by breeding the pretended Prince of Wales in France, has cut off all reasonable expectations of having him ever to be adopted heir of this kingdom.

See the Charter of the Adoption of H. 2. Bromt. col. 1037.

Ego Stephanus Henricum Ducem Normanniæ, post me successionem regni Angliæ, et heredem meum jure hereditario constitui, &c.

I know some men, whose crimes in former reigns, and professed enmity to the liberties of England, had engaged them in a party, which opposed the accession of their present majesties to the imperial throne of this realm, after they had invited his majesties arms, and importuned him to take upon him the administration, raise a great clamour upon the silence of parliaments, in relation to the putative Prince of Wales, as if it were a tacit admission that he was real. But certainly, in this the parliaments chose to shew, that the government is settled upon such a bottom, as makes it not in the least material whether prince or no prince; well knowing that the convention, which afterwards became a parliament, upon acting under a legal head, (as did the parliament, which after being turned a convention by the deposal of R. 2. acted with H. 4.) exercised a power which was vested in them by the constitution of this monarchy; and followed the wise examples of H. 8. and of Queen Elizabeth of glorious memory. H. 8. though he had bastardized both his daughters, Mary and Elizabeth, yet settled the crown upon them both successively, in remainder after his son Edward, without taking off the illegitimation of either daughter: Whereby he certainly placed the right of their successions upon a surer foundation, from the authority of the king and States to dispose of the crown, than if he had declared either of the sisters to be legitimate. Nor indeed would he have done this without shewing at the same time that one was illegitimate; the question being, whether the mother of Mary or the mother of Elizabeth was the true and lawful wife.

Vid. Rot. Parl. 1 H. 4.

And though Queen Elizabeth had full opportunity and power to cause the act which bastardized her to be repealed, especially after the protestant religion was thoroughly settled, and that party crushed who held the pope's authority, to make good the marriage of H. 8. with his brother's wife, carnally known by him; yet she wisely contented herself with a title derived from that constitution of the monarchy, by virtue of which the crown had been settled, rather than to fetch one from heaven by a divine right of birth.

28 H. 8. c. 7. 35, H. 8.

"That the ignorant followers of blind guides, may know what was the judgment of the times of H. 8. and Queen Elizabeth, to go no higher, of the divine right of succession, I desire them to read the acts of parliament, 28 and 35 H. 8. which declare, "That if such heirs, as are there appointed, without regard to the Scotch family, should fail, and no provision made in the king's life-time, who should rule and govern this realm, then the realm should be destitute of a lawful governor." And the Journals 8 and 9 of the queen, with the act of parliament, 13 C. 1.

Journals of Q. Eliz. f. 105, 106, 107.

The House of Lords in their address, 8 and 9 Elizabeth, desire that a successor might be appointed in parliament, "lest God should call the queen without certainty of succession;" and for that the not performing what they desired, would leave the realm

without government. And that memorable act 13 Elizabeth, makes it highly penal, in any after-time, to deny the power of the parliament to limit or alter the succession; and adds a penalty upon them, who shall affirm that any but the issue of the queen's body had right to succeed after her. 13 Eliz. c. 1.

But we shall never be quiet from vain disputes against the right of the present government, till it makes examples of offenders, within the perpetual branch of this wise and equitable law.

Let any man seriously consider the controversy between them who hold the late king still to reign, and those who assert that their present majesties are our only sovereign lord and lady, and they will find that the Jacobites have not one true principle upon which they can fix; and all the advantage which they have, is by the concessions of those who would pretend to defend this establishment, upon the same principles which carried them to the most servile compliances in the reign of Charles the Second, and part of the reign of James the Second; till, according to the scripture-observation, in adversity they considered, and found that to be the consequence of their doctrines, which they would never believe; and then started back from it with horror: But alas! nature is too apt to return.

Some having taught, that a sovereign prince, while he lives, must retain the sovereignty as inseparable from his person, till he has expressly and formally renounced it, admit the right of the late king to continue, notwithstanding the possession of their majesties, with the full and regular consent of the states of the kingdom; and though the kingdom has, by the providence of God, been given them in such a manner as has been held to make a legal settlement, if not from the earliest times, at least by the stat. 11 of H. 7. and they very indiscreetly yield, that the statute supposes some other to have right besides the king and sovereign lord for the time being; which is absurd in itself, and against the manifest intent of the statute. Nor can any reasonable man think, that this was the judgment of H. 7th's parliament, 11 H. 7. when the parliament, in the first of his reign, had not only ordained, established, and declared, That the inheritances of the crowns of the realm of England and France, be, stand, and remain in H. 7. and in the heirs of his body for ever, and in no other persons: But by another act reversed the attainder of H. 6. of the younger house, for acting against E. 4. of the elder, even after E. 4. had been received and submitted to by the States; which attainder of H. 6. the statute declares to be contrary to due allegiance and due order, plainly supposing that while he had the possession, he was the only king and sovereign lord. Stat. 1 H. 7. 1, H 7, n. 16. Restitutio H. 6.

Though I am tempted to enter into a large field of the judgment of the most ancient times, I purposely forbear, and shall only observe and remove another objection, or rather prejudice, from the repeated doctrine of the church of England.

As I take it, nothing ought to be received for the doctrine of the church which is not to be found in its articles, or homilies; or at least canons duly made and received, but they as well require active obedience to lawful governors as passive; and yet none but papists will say, that we were bound actually to assist King James to subdue his protestant subjects, or that only power, which, without a miracle, could support them in the profession of their religion; or, as a late writer has it, "cover their heads while they treated."

And whatever the articles, homilies, or received canons of the church argue to be the duty of subjects; to whom subjection is due, in no point explained by them, it being supposed that the laws of the land, and they whom the constitution entrusts with declaring the law, should determine that question.

And, besides, some think they have the canons of a convocation in King James the First's time (as there certainly was the approbation of the clergy in Queen Elizabeth's, of her interposition in other kingdoms) to balance whatever may be drawn from the Bishop Overal's Convocation Book.

publick acts of the church of England, to the prejudice of this present government, or of those means by which it was established.

But the dispute of King of Right, and King of Fact, is taken from popish times: And, since the Reformation has left us a clear stage; and the judgment of the parliament, 1 E. IV. on which they who argue for King James his right chiefly rely, is on our side, we need not fear the forces of all antiquity; especially when we consider that the clergy of old times, who were our historians, judges, and chief lawyers, and the penmen of the publick transactions, had that dependency on the pope which made them stand indifferent between prince and people.

Vid. Sup.

I must confess, it has been to me a mystery, how the non-swearers came to charge all, who are not of their schism, with apostacy from the church of England, till one of their champions has been so weak as to quit the advantage of clamour upon a general charge, by shewing how they proceed to prove it. One, against whom he writes, having pressed to know from what article or homily of our church, allegiance to the late king can be enforced; "Sure," says the champion, "he cannot forget that God's written word, and that only, is our entire and adequate rule of faith: And the best interpreter of it for us to follow, is the most unanimous exposition of it, avowed by the doctrine of our churchmen, and the agreeable and constant practice of the church."

The vindicator of the pretended royal martyr.

Now, what is this but the popish doctrine of tradition, stript naked and disrobed of all its rags of seeming authority? If it takes in the unanimous exposition of churchmen, and the practice of the church in all ages, he must pray in aid of the church of Rome: And unless this writer is a papist (as it is to be presumed that they who charge the body of our clergy, and others, with apostacy are) why shall his rule of faith hold in relation to government, and not in all other things? And how could a reformation be duly made contrary to this rule?

If he urges this as a protestant, he goes a step beyond the papists; who, as I take it, rely not on tradition, but as they suppose it an evidence of what has been the doctrine of the church in all ages; but place no authority to judge of the tradition in any under a pope; or rather, according to most of them, a council solemnly assembled after invocation of the Holy Ghost; but here the diffusive body of church-men must be divinely inspired: Yet whatever they may pretend, the Holy Spirit may as truly be said to come in a cloak-bag from France, as formerly from Rome to Trent. But doctrines, it seems, are to be thought true or false according to the poll, or rather the noise; there never having been a fair and regular poll, and casting up of their voices, that I have heard of: Generally the loudest, the forwardest, and the most injudicious, have, without any manner of election, pretended to represent the rest: When, one would think, they might be satisfied if the laity would yield to their request, that the bishops, presbyters, and others, elected by the clergy; that is, a convocation without a parliament, may be the church of England representative. But as church-men are jealous enough of their own rights, it is not to be thought that they will be concluded by the books or sermons of those whom they never chose to make offers in the name of all.

This I am sure was their apology in King James his reign; and those of the new separation were as forward as any to disclaim and renounce all pretences of this kind. Their present champion seems to make a difference between the church and church-men, mentioning the doctrine of church-men, and constant practice of the church; whereas in truth, the abdication, or abrogation of one king, and submission to another in his life-time, has never been a question before since the Reformation, and now it is become a question the church of England has declared for, and submitted to the king and queen, who now fill the throne after a vacancy.

If we look backward, to see what the church of England, or the state including the church, has done or thought in former ages, we shall find what is charged as a departure from our church, to be no new thing.

Certain it is, in popish times they have set aside princes of their own religion, without consulting the oracle at Rome, upon cases clear by the constitution: Nor, if there were any doubt, is it likely that they would have run the hazard of losing that opportunity, which they had upon the first appearing unanimous for casting off a national burden; the resentment of which a small delay might cool.

Can any period be assigned in the dark ages of popery, when, if a prince who had clearer light, should, with a few to whom he communicated his intentions, have endeavoured to impose his way of worship, upon a nation confirmed not only by constant practice, but firm laws, in a contrary religion; or should have given manifest indications, that he would use all his authority to this end; the clergy would have been less scrupulous than the doctors of the Sorbon were, in declaring against Henry the Fourth of France, while he professed himself a protestant? Nay, would not the body of the nation have declared, that a prince of a religion contrary to that of his country was incapable to govern?

If of themselves, or through the interposition of some foreign prince, or state, they had secured the free profession of their religion, and the benefit of the laws which upheld it, would they, with blinder protestants at this day, have desired the return of their fears? Would they have wished for such success to the Waldenses, or Albigenses, the only visible powers then against them, as some, who would be thought protestants, do to the French? Nay, when they swarmed with legends of miracles, which were thought almost as plentiful as the gods of Egypt, springing up in the gardens, would they have expected deliverance from their own prayers and wishes?

I know the common refuge, let justice be done, and leave the event to Providence: But ought we to tempt Providence to destroy us, by our promoting against the interest of our religion, that which we are not, cannot be assured to be the cause of justice? Can it be justice to sacrifice our religion and civil rights to the humour, or bigotry, or revenge, of one who had manifested, that he would not govern as king of a protestant kingdom, or of a kingdom where the law had placed boundaries to the will of the prince?

What do we not owe to a deliverer who has freed us at home from all true causes of fear, but from ourselves? Who is the support of the confederates, and the head and life of their armies, and, under God, has put an hook into the nostrils of the great leviathan, who so lately sported himself in the waters? What a blessing is it, that when the cause of Christendom calls him to other regions, his throne is not left empty, but adorned with a queen, to whom the true religion, and her native country, are the nearest relations; and who gains not more hearts by the serene and awful majesty of her looks, than she defeats enemies by a courage more than female, and only not divine? Indeed, what less than a divine power can vanquish the timidity and irresolution in times of danger, natural to the tenderness of the fair sex? And in what age, or nation, can we find her parallel, but in our admired Queen Elizabeth, whom all generations to come shall bless, for establishing the protestant religion at home, and supporting it abroad, at a time when the King of Spain was the darling of the pope and jesuits, and by their assistance stood as fair for an universal monarchy, as the French king did, before the interposition of their present majesties. The French king.

It has been observed, that ever since the defeat of the Spanish Armada, by Queen Elizabeth's truly invincible fleet, that monarchy has withered, like a plant wounded at the root: And we have great grounds to hope, that the French Royal Sun, which by our late naval victory has been forced to set in the British seas, never to rise again, is a true emblem of that monarchy.

And God seems to have designed it in his providence, as a presage of his farther gracious intentions, towards the professors of the true religion, that family, out of which

the papists called the noblest sacrifice, yields a living hero, to avenge the death of the brave Lord Russell, and to vindicate that cause for which he died.

[Sion College Library, U. 5. No. 13.]

The Justice of our Cause in the present War, in Respect of what is peculiar to the English, in Matter of Civil Right. 1699.

This confused piece of jacobitical reasoning seems to be the production of a catholic. Although written during the time of the war, it seems not to have been published until after the peace of Ryswick.

The author, foreseeing that our late peace was not like to continue long, and considering the great advantage of a good cause in all differences, out of great concern for the good of his country, has for some years been endeavouring, in the best manner he could, that ours might be made such both in respect of religion and of civil right, while the peace continued.

As to matters of religion, he knew very well long since how indefensible a cause we have, and was endeavouring that that might be regularly brought to the consideration and cognizance of a proper judicature, that is, of a national synod, or a convocation of the clergy.

He observed two great mischiefs in it: One, that by how much the worse our cause is, so much the better is that of our adversaries against us; whereas was ours but rectified, as it ought to be, it would make that of our adversaries utterly indefensible, and necessitate them to mend theirs too; and then that part of the difference would cease: and besides we should by the same means be freed from the other mischief too; which is so great, that it hath been the principal occasion of all the confusions and scandals both of the former civil war, and of the late revolution. For wicked, crafty, and designing men of no religion, or any real virtue, under pretence of concern for religion, abused the people with most wicked contrived lies and calumnies, till, running themselves into a desperate case, they run all into those excesses, which have been the greatest shame and dishonour to this nation that the subtle spirits of Achitophel and Balaam, or the devil himself, could devise. But the consideration of these matters of religion, belonging properly to the clergy, and such as are in authority, what is written for that purpose is reserved to be communicated to them, and but few others.

As to what is here published concerning civil right, the author, at the time of the peace concluded, had not so much as any suspicion of the secret practices, which have since been brought to his knowledge by such degrees and means as seem to have been ordered by some special divine providence, without any enquiry by him, except for his farther satisfaction afterwards. But as he came to the knowledge of them, he constantly gave notice from first to last, of what he observed or understood, to such in

authority as he thought most proper; and at last by a petition and demand of right and justice, as one of the commons of England, on behalf of himself and the rest, in a letter to his representative in the last House of Commons. And since there was so little regard to either by those gentlemen, he conceives it so great an injury to all the commons of England, their principals, as obligeth him in duty to the God of truths and righteousness, to his prince, and to his country, to acquaint them a little farther with the case, that they may consider of farther special instructions to their respective representatives.

It is what was at first intended only for part of a general preface to things lately written for the service of the church and kingdom of England; but, upon further consideration, is thought fit to be published alone, as followeth:

I come now to the other part of our case concerning civil right, of which I have already declared my thoughts, as I found, from first to last, as far as was proper for me to do. The paper, entitled, The Fidelity of a Loyal Subject, was sent to King William 10th June, before he went into Holland, and to divers of the lords of the privy council, and members of parliament. And all that part of this collection, entitled, A Message of Peace, was sent to those lords, and to the Speaker of the House of Commons, and some others, a little before King William's fast. That concerning the birth of the Prince of Wales is part of that, and was sold alone. And that in the third, entitled, A Petition and Demand of Right, &c., after it had been sent to the members to whom it was directed, with both our names at length, and to the speaker and other members, was publickly sold at the Exchange and Westminster, &c.

In these and the rest is sufficient matter of fact set out, and such as neither was, nor could be denied, and had it been questioned, I was ready to have appeared, and declared upon what ground I writ it. Taking that therefore for granted, I am to consider the justice of our cause, in respect of the pretended Prince of Wales, as he is styled, not only in the addresses of the abused people, but in the speech of King William to his last parliament, wherein he abused not only him, but them, and himself too, and even in the declaration of war, since his death. For I meddle not with the common cause of the confederates, which, whatever it be, I think not much advantaged by that addition.

That King James the Second was lawful successor of King Charles the Second, and rightful king of these three kingdoms and the territories thereunto belonging, is out of all question with all men of sobriety and conscience.

And that there were those things done by his authority, which were great violations of the rights of the subjects, is likewise out of all question.

But, first, by whose advice those things were done, which ought in the first place to be enquired into (whether by popish councils, or protestant treachery, and conspiracy with fugitive rebels and traitors) was never yet made any question; no small argument that truth was not their interest, who might have done it if they pleased.

And, 2dly, That by the known laws of this land, the king in such cases is not to be questioned, but his evil councillors, by complaint and remonstrance to him, especially not till he refuse to do right, maintain and protect them against right, and so make himself a party with them against the true constitution of the government, is, if not asserted, yet admitted and supposed in all the proceedings in the late civil war, while any thing of law was regarded. But the quite contrary in this case has been done; the king driven and excluded from the throne, and the traitors received and harboured.

And, 3dly, Whether to take up arms against the king, upon any pretence whatever, though doubtful with many, yet with many was out of all doubt, that it was unlawful, by reason of the public declarations of the nobility, gentry, citizens, burgesses, civil

officers, and of the loyal clergy, according to three several acts of parliament; but to do it upon pretence grounded upon treachery, is, without all doubt, not only unlawful, but abominable with all men who have sense of conscience, or religion, of honour, justice, or of common honesty. And yet this hath been done in this case.

4thly, Of the matters alledged against King James, there was one concerning the birth of the Prince of Wales, which, had it been true, had been sufficient to have justified all that was done against him; but being false, and not only false, but a contrived calumny, is as great a demonstration of the wickedness of them.

5thly, And this having been alledged by the Prince of Orange in his declaration, preferred to the examination of a free parliament, the question in effect was, Whether King James or himself was the impostor? And his neglect of that examination, when it was in his power, notwithstanding all the occasions for it, was a manifest injury to King James, and evidence against himself.

6thly, All these injuries to King James, by treacherous councils, by such abominable lies and calumnies, by driving him out of his kingdom upon such false and wicked pretences, and refusal of justice in all these particulars, all contrary to the fidelity and allegiance sworn to him, and his lawful successors, was the introduction to that which crowned all; that which came in course to be read for the first lesson, while I was writing this, Hos. viii, 3, 4, where God complains, "Israel hath cast off the thing that is good, the enemy shall pursue him; they have set up kings, but not by me; they have made princes, and I knew it not." I mean, the act of settlement.

7thly, This act is not only an addition to all the precedent injuries, but a further proof and confirmation of the iniquity of them; for the convention being conscious that all the other pretences were as insufficient in law, as deficient in truth, were forced to strain their wits, as well as their consciences, to find out some other more plausible, which at last was a very lame one in the bottom, only made more passable with the abused prejudiced people, by new-adopted terms of abdication and vacancy of the throne. For abdication is a voluntary act, without intent to reassume, or return to what is forsaken. But King James, from the experience he had of the usage of his father, and of the attempts against his brother and himself, by desperate factions, had just cause of fear, and besides, was persuaded by the prince, under pretence of kindness, to withdraw from the fury of the people, and did actually return again as soon and as far as he could.

8thly, To all these injuries done to King James, that is no small addition which is done to his son, to exclude him, to attaint him, and to abjure him; and for no other cause or pretence but his education in a religion different from this, which I have shewed to be so faulty before, and which brings forth such fruits as I am considering now, and which is so little regarded by such as make it their pretence, as to be used by them for no other purpose. But as this is a great addition to all these, so all these are to be taken into the account of the injuries done to the son, as the ground of them.

And now, by all this, I think it very apparent to all who have any sense of justice, or honesty in hem, how monstrously unjust a cause this is among men; but to understand more fully how wicked it is in the sight of God, there is more yet to be considered.

It was not King James alone, and his son, and family, who were greatly injured by these things, but also the people of this nation, and of the three kingdoms, though this most of any. Which, though it may seem strange, by reason of their free concurrence, yet it is nevertheless true, if they were abused and imposed upon in it.

Two things there were which were much cried up, and by which the people were most incensed against the king; one, that he and the queen had agreed to impose a supposititious child upon the nation; the other, that the bishops were sent to the Tower for that purpose, that the business might be the better managed in their ab-

sence. But the first was not only false, but a most devilish contrived calumny, as I have sufficiently shewed in my papers, and could say more if there was occasion: and that it was contrived contrary to certain knowledge. And the other not only an improbable suggestion; for what could their absence avail, when so many others were present? but the very depth of Satan, and a treacherous practice, whereby the poor king himself was imposed upon, contrary to his own mind, that they might not be present at the labour, and witnesses to it, and that the belief of that lie and calumny might be thereby confirmed. So that, by both these, they were most wickedly abused, and imposed upon; and the English, being naturally a plain, downright, resolute people, and abominating tricks and cheats, but especially to be so abused as they were made believe, this made them so ready to receive him as their deliverer, who was, in truth, the principal in the abuse and imposture put upon them. Their concurrence therefore in fact, in what they were themselves abused, is not to be imputed to them as their reasonable and deliberate act.

But the business was undoubtedly managed by conspiracy between some fugitives at the Hague, upon Monmouth's defeat, (who, it is said, was betrayed into that undertaking, by such as made their advantage of it[1]) and their treacherous correspondents in King James's court, with whom many others of like loose principles struck in afterward for preferment, and composed the desperate wicked faction, which being hardened with the success of so great wickedness, cast off all regard to religion, morality, and common honesty, and have run things to such madness and extravagancies. But their great support being now removed, 'tis to be hoped we may come at last to more sober counsels, and that all these injuries shall be righted as soon as may be. For, besides the indignities done to the royal family, those to the people are very considerable. For they have been injured in their honour and reputation, by the abuses put upon them; in their religion, by the scandals brought upon it; in their estates, by the vast expences they have been at, and all consumed in foreign parts, to the advantage of our pretended friends, but secret corrivals, and in the vast debts contracted in their peace, by an unjust and wicked occasion of an endless war entailed upon these nations; and, in their souls, by manifold sins and wickedness, and strong temptations to greater, as if the spirits of Achitophel and Balaam were come amongst us. By the mischiefs to the nation, as well as to the royal family, may be perceived what interest has been promoted, and what vipers we have had in our bowels.

But since it hath pleased God to give us an English heart again upon the throne, and one so obliged by the laws of nature, of God, and of the land, and sensible, I hope, of these great obligations, we may hope to see the true English spirit again revived in the people, with a just resentment of the abuses, and some reparation for the dishonour and injuries done unto them; and to learn, by dear-bought experience, to beware of such factions at home, and foreigners abroad, to value those who are true to the principles they honestly own, and beware of those who have either none at all, or such as are uncertain what they are, are certainly very bad, and to see truth and righteousness again restored amongst us, after such experience of the unhappy consequences of wicked policies, and the indirect practices of lies, calumnies, and all iniquity.

And our hopes may be not a little encouraged by the easiness of our work, if it be duly considered; for as the ways of falsehood, treachery, and iniquity, are always not only unhappy in the end, but indirect, rugged, and dangerous in the passage, so the ways of truth and righteousness are not only happy in the end, but direct, plain, easy and pleasant paths. We need nothing but true English spirits among the commons, and true Christian spirits among the clergy, and a religious observance of the corona-

[1] The Prince and Princess of Orange, as was alleged.

tion-oath upon the throne, and that it be indeed a throne of righteousness, and not of iniquity.

But it must be remembered that the true English spirit is not only a spirit of honesty and generosity, but a spirit of true and sincere religion at the bottom. And if we have such a spirit return again into St Stephen's chapel, we shall not only have the honour of the nation restored by eminent demonstrations that it was only a prevalent faction, by which all the dishonour and mischiefs have been brought upon us, but the honour of God in the first place restored in truth and sincerity in that sacred place, by proper demonstrations that it was not only a prevalent, but an impious hypocritical faction that did it. Of which we have had sufficient divine admonitions in the answers to those two formal facts; that upon the address of that short-lived parliament, and that upon the princely consideration, and religious dispositions of King William, if they be well considered.

And it must be remembered also, that the true Christian spirit is a true English spirit, in the perfection of all its most excellent qualities. And therefore, unless the Cranmerian, temporising, treacherous spirit be cast out of the Jerusalem-chamber, or at least out of Henry VIIth's chapel, the casting out the factious, impious, and hypocritical spirit, out of the commons alone, cannot bring our work to its due perfection; and if we have both those true spirits in unity upon the throne, we shall see those cursed roots of perjury and all wickedness planted in this nation by Henry VIII. and his daughter utterly extirpated, and the kindly plants of truth, righteousness, and true piety, abounding in the pleasant fruits of peace and happiness, revived and flourish again amongst us, which is the only aim of all my labours, which have been opposed with so much wickedness and madness, notwithstanding the plain honest design, and sound effectual expedients proposed in them.

These things having been laid before the House of Convocation and the House of Commons, it is fit they should be considered by the clergy of the several dioceses and universities, and by the commons of the several counties, cities, and boroughs, before those assemblies meet again, or as soon as may be; and none but factious spirits can be against it.

A short History of the last Parliament. By —— Drake, M.D. 1699.

This is a history, by a partizan of the Tory faction, of the parliament summoned by King William in 1695, and which was dissolved in 1698, under circumstances of royal displeasure; the chief cause of discontent being the resolution which they had adopted of disbanding the army, and dismissing the foreign auxiliaries and Dutch guards. There was indeed, as Dalrymple has observed, a mixture of character in the members of this parliament, who were on the one hand jealous of the national honour and loyal to King William, and extremely open to be influenced on the other, by the general exclamations upon the national distresses, arising from unusual taxation, and by the enquiries which had been set on foot into corruptions of various kinds. Their loyalty and patriotism they evinced by the reformation they introduced into the coin, by the restoration of public credit, and by the measures which they authorized on the discovery of a plot to assassinate King William. But after the peace of Ryswick, their suspicions were suddenly and strongly turned against that monarch himself, and instead of complying with a recommendation in the king's speech, they were inexorable in reducing all the forces raised since the year 1680, which left little more than 7000 men upon the establishment. Burnet has recorded William's feelings, as a king and a general, on this trying occasion.

"This gave the king the greatest distaste of any thing that had befallen him in his whole reign; he thought it would derogate much from him, and render his alliance so inconsiderable, that he doubted whether he could carry on the government after it should be reduced to so weak and so contemptible a state. He said, that if he could have imagined that, after all the service he should have done the nation, he should have met with such returns, he would never have meddled with such affairs; and that he was weary of governing a nation that was so jealous as to lay itself open to an enemy, rather than trust to him, who had acted so faithfully during his whole life, that he had never once deceived those who trusted him. He said this, with a great deal more to the same purpose, to myself; but he saw the necessity of submitting to that which could not be helped."—BURNET, *ut supra*, p. 396. In this humour of mutual distrust the king took advantage of the Triennial Act to dissolve the parliament, which had sate for three years, and their mutual dissatisfaction became obvious to the nation.

This commemoration of the good deeds of the dissolved parliament was written by Dr James Drake, and was voted a libellous production by the House of Peers, who directed a prosecution against the author, from which he only escaped to sink under imprisonment for a similar political offence in 1706. The Rev. Mr Noble gives the following account of the writings and misfortunes of this author.

"James Drake, M.D. was born at Cambridge about the end of the 17th century, and received a good education at Caius College, in that university; from whence, after taking his degrees in physic, he removed to London, where he practised his profession for some time with reputation, under the auspices of Sir Thomas Millington, and other eminent physicians of that day. He was shortly after elected a fellow of the Royal Society, in whose Transactions is a paper written by him, entitled, 'Some Influence of Respiration on the Motion of the Heart hitherto unobserved.'

"Dr Drake, utterly mistaking his talents, neglected physic, and became, unhappily for himself, a violent party writer, the ostensible tool of the Tories. His first serious offence against his opponents, was an attack upon King William, in his 'History of the last Parliament,' which was so highly resented by the House of Peers, that they directed a prosecution to be entered against the author; but he contrived to evade punishment. His next publication, entitled, 'The Memorial of the Church of England,' declared the church to be in danger; which assertion was noticed by Queen Anne in one of her speeches, who deprecated the evil tendency of such doctrines.

"This pamphlet was proscribed by the House of Commons, and one copy of it burnt by the hands of the common hangman at the Royal Exchange; but he had the address again to elude the vigilance his works excited, and even the masked female, who conveyed the MS. to the printer, could never be discovered.

"In the publication of the 'Mercurius Politicus' he was less fortunate; that procured him apartments in the Queen's Bench prison. An error in the indictment which followed, the simple change of an *r* for a *t*, or *nor* for *not*, proved fatal to it; but the terrors of a writ of error, which frowned on him, made a coward of his conscience, his perturbed spirits produced a fever, and that fever death, March 2, 1716. This catastrophe is said to have been accelerated by the dereliction of his friends the Tories.

"If this author had pursued his 'New System of Anatomy,' or had directed his talents to the most valuable pursuits of literature, he would have been admired by posterity; for he possessed 'quick pregnant parts, well stored with learning, and improved by good conversation.' His style was admired even by his enemies.

"He published, in 1703, 'Historia Anglo-Scotica; or an impartial History of the Kingdoms of England and Scotland,' dedicated to Sir Edward Seymour, Bart. comptroller, with an inflammatory preface. He doth not inform us how he obtained the manuscript. It was burnt at Edinburgh, as his 'Memorial' had been before at London."—NOBLE's *Continuation of Granger*, I. 229.

The Introduction.

THE honourable conclusion of the late war with France, to the great mortification of his majesty's enemies, the satisfaction of his friends, and the admiration of all men, must thankfully be acknowledged as chiefly owing to his majesty's great wisdom, in-

vincible courage, and inflexible resolution. By his courage he rekindled the decaying fire of this warlike people, taught them by his conduct, and provoked them by his example to equal the atchievements of their valiant forefathers, and thereby restored to England the ancient reputation of her arms. But by his wisdom he procured us an honour we never could before pretend to; he made England a match for France, as well in the cabinet as in the camp, and gained by a wise treaty more than by arms had been won in the field. For any potentate to unite many states and princes disagreeing in interests, inclinations, or religion, in a strict confederacy against a common enemy, and to preserve that alliance unbroken for many years together, notwithstanding the great losses those allies sustained, and in despite of all the attempts of foreign and domestic enemies to dissolve their union, must be acknowledged by all the world, as the effect of a refined and masterly judgment; yet this honour, which perhaps has no example, is, by the confession of all, due to his majesty, who was the only centre in which so many various lines could meet, the only head which such differing interests could confide in, as capable to direct them in a juncture of time, when the liberties of all Europe lay at stake.

We are likewise greatly indebted to the bravery and fidelity of his majesty's fleet and army for our present peace, and the blessings that attend it. It must be owned, to their great honour, that our officers and common men, as well by land as by sea, notwithstanding any disappointments they at any time met with, did on all occasions shew a courage and resolution equal to that of their warlike ancestors; a courage that became the subjects of such a prince and such a general; a courage worthy of the noble cause in which they were engaged, the preservation of their religion, laws, and liberties. And therefore no praises can be too high, nor can any rewards, consistent with the publick good for which they fought, be looked on as too great for men who have merited so much of their country.

And yet it must be confessed, that so great a prince and so great a general, at the head of such brave and loyal men, could never have been able to have brought a war with such a potent adversary to a happy issue, had not the parliament of England concurred with him, and stood by him with so much constancy and unanimous affection. 'Tis therefore to these worthy patriots that we owe, in a great measure, our present security, and the establishment of our laws and religion. The people of England ought to have a due reverence and affection for their representatives in parliament, and to maintain their honour, even when in distempered times it should happen that they acted some things against the publick good, not only because they are a part of our constitution, but likewise that particular part which the people have entrusted to look after and manage their interests; for should the people desert their representatives, they would be *felo de se*, and one day run a hazard of losing that part of their constitution.

And if it be the duty and interest of the people not to despise, or run down, indifferent, or bad parliaments for the reasons mentioned, what applauses, what expressions of affection and gratitude are due to good ones? And indeed if any of our parliaments ever rightly understood, and zealously pursued, the true interest of their country, those that have been called and sat since the happy Revolution, must be allowed with the greatest justice to have merited that character. If to have stedfastly adhered to the interest of Europe against a common enemy; if to have chearfully supplied his majesty with the sinews of war, to enable him to carry it on with vigour, and by such ways and means as were least burdensome and uneasy to the people; if to have discerned and prevented the greatest dangers that could threaten a nation; to have conquered difficulties of state of the highest nature, and to have persevered so many years, through an obstinate zeal for the good of their country, to support his majesty till his arms had procured an honourable peace, and thereby established our government,

our religion, and our property: If this be to have deserved well of the English nation, the parliaments I have been speaking of have at least equalled the glory of their greatest ancestors.

Their love to their country and capacity for publick business have appeared in a very eminent manner: 'Tis easy and pleasant to sail in good weather before the wind; but to steer true and steady in a storm, to beat it against the wind amidst rocks and shelves on either hand, and to make the port at last in safety, this must be allowed to be a master's work. These parliaments, therefore, and particularly those among them who had the chief direction of affairs, having, like wise and careful patriots, done so much in their hard station toward bringing matters to this successful issue, must deserve all the grateful returns that can be from their country.

Their honour is the more particular, inasmuch as men of great capacity for business of state are so very rare; for it may be truly said, that a thousand men are born in this kingdom fit for arms, to one that has solidity of judgment, quickness of apprehension, compass of thought, and clearness of sight proper for the management of publick affairs.

What has been said of the several parliaments assembled since his majesty's accession to the throne, is more eminently true of the last, which pursued the designs of the former with the greatest skill, as well as the warmest zeal. This august assembly had the hardest task imaginable upon their hands, and to give an impartial and succinct relation of their principal proceedings, of the wise measures they took to remove the evils we felt, and to prevent greater which we feared, and to find sufficient supplies for the carrying on the war, till at last they had the satisfaction to see it issue in an honourable peace, is the design of the following papers.

—— Drake, M.D.

A short History of the last Parliament.

When this parliament first came together, they found themselves engaged in variety of business of great nicety and most important consequence.

To maintain our new settlement after the late happy Revolution, we had a war upon our hands with a mighty prince, who, by his naval strength, as well as by the number and discipline of his land forces, by the wisdom of his counsels, and his constant successes, was grown the terror of all Europe. This potent monarch protected the person, and espoused the quarrel of the late abdicated king; and looking on his honour and interest alike concerned, used his utmost efforts by arms to re-enthrone him. And notwithstanding England had hitherto, with great resolution and alacrity, borne the weight of this heavy war to preserve all those advantages; that is, whatever is dear to an English freeman and a protestant, which were procured by their late deliverance, yet some of the wisest and clearest-sighted among those who were hearty friends of the government, grew diffident of the event. They questioned our ability to support ourselves under so burdensome and expensive a war, while the enemies of our settlement were insolently sure of overturning it. 'Tis true, indeed, we had, at the head of the government, one from whom we might expect all things that with reason could be hoped for from the courage and conduct of a wise prince, and an accomplished general; one who, to protect a nation which with so much glory he had before delivered, freely and frequently exposed his life, as if it had been the life of a common man, to all the dangers of the sea, and all the hazards of battle by land; and who the year before, by his reduction of the important fortress of Namur, in the sight of almost all the power of France, had struck a damp upon our enemies abroad, and rebuked the confidence of the malcontents at home. But notwithstanding the nation might with the fullest as-

surance rely upon his majesty for every thing that could be asked or expected from the greatest prince, and most watchful father of his country, yet the people could not be without their fears lest he should one day fall by the hands of Saul, and the kingdom be crushed by the disproportioned power of our enemies. They doubted whether the nation, though ever so willing, would be able to grant to his majesty the necessary supplies for carrying on so necessary a war.

But besides what we had to apprehend from a formidable foe abroad, we had a great deal to fear from our treacherous enemies at home: for though the body of the nation was infinitely pleased with the late revolution, and thankfully acknowledged the invaluable benefits that attended it, yet a considerable number were impatient of their deliverance, and raved at the restitution of our liberties and religion. Our warlike David found his most dangerous enemies were at home, if not of his own household. The whole body of the papists were his enemies, and the reasons of their enmity are too obvious to mention. Besides these, a great number of moderate protestants, and such as were the creatures and dependants of the late government, and had embarked in, or wished well to the glorious design of enslaving and ruining their native country, men of arbitrary and tyrannical principles, fixed and settled in their hatred to the constitution of our government, and the liberties of the English nation, these, and many others that did not find their account and particular interest in the present settlement, became its enemies, and by open or clandestine ways, endeavoured to streighten or subvert it. These men were very zealous to deliver us from our laws and liberties, and to restore us to the privileges of our Egyptian burdens. The ungrateful murmurs spoke of stoning the Moses that rescued them; and, unable to bear their happy deliverance, with threats and violence demanded their heavy tasks and their old oppressors. These men, according to their different posts and tempers, in different ways, assisted the foreign enemy.

All arts and methods, though ever so base and unworthy, which wit quickened with malice could invent, were employed to weaken the reputation of the government. Sometimes they flew openly upon it with bitter invectives, sometimes they secretly stabbed it with malicious suggestions and sly insinuations. They traduced all that were in publick employ, and exposed them to contempt; they worried their names with base and groundless calumnies, attributing many of our misfortunes, not to be foreseen, and therefore not to be prevented, to the treachery or negligence of our most faithful and vigilant ministers. And 'tis no wonder these fierce creatures fastened so greedily on the characters of our greatest ministers, when his majesty himself, who had merited as much as any prince ever did of his people, could not escape their disloyal reflections.

They were very fond of propagating any ill tidings or false reports, that might any way lessen the credit of our administration, increase the fears of the people, and cool their affection to the government: what unnatural and savage joy did they express when they heard of any losses that befel the nation, which they cruelly aggravated, and with no less zeal they diminished and slighted the advantages we at any time obtained: They could by no means dissemble the secret pleasures they felt, when they had any fresh hopes of seeing their country speedily undone. England, as beforementioned, being engaged in a war with France for the preservation of the late happy settlement, great supplies were absolutely necessary to enable his majesty to sustain the force of a kingdom, which, by their own wise administration, and the supineness of England in the late inglorious reigns, was grown so potent, that now it required a longer sword to resist than heretofore to conquer it. And for this reason, without the least flattery, his majesty has acquired more honour by controlling the power of France, than any of his great predecessors did by subduing it. The parliaments therefore resolving to carry on the war with vigour, were obliged to lay great taxes on the people,

though not greater than the necessity of affairs required; and the war continuing so long, they could not be insensible of the burden. Of this the malcontents took the advantage, and represented in all companies, that the government must of necessity sink under its own weight, and that our heavy taxes, by reducing us to extreme poverty, would inevitably prove our destruction. They never ceased declaiming on this popular subject, and galling the people in this tender part, hoping to make them weary of a government which was represented so burdensome; and at last persuade them rather to let in the deluge, than to be at the expence of maintaining their banks.

Besides these adherents to the late king's interest, there were others, who, though great assertors of the late revolution, and averse enough to a second, yet, from I know not what private disgusts, personal quarrels, and disappointments, grew sour and uneasy; and to express their resentments in all conversation, endeavoured to bring our administration into contempt; they were for breaking the confederacy, and against raising such large sums of money for carrying on the war; they were for distressing and streightning the government, but not for overturning it; they were willing it should continue, but they were for clogging its wheels, that it might move heavily: in short, they were against all things that the known enemies of the government were against, and for all things which they were for, unless the overthrowing of the present settlement, and the restoration of the late king; that is, they were for all the means that would certainly bring about the end, but not for the end itself. However, under this plausible pretence of declaring against great taxes, and by other popular oppositions, they thought to recommend themselves to their country as great patriots; though at the same time, the greatest enemies the government had, in this respect, as good a title to the favour of the people, whom they would gladly have delivered from their taxes, and thereby have eased them of the means of their preservation.

The proceedings of these men were of all others the most absurd and unaccountable, and the opposition they made seemed to be the effect of some strange infatuation. The best apology that can be made for them is, that they were guided by a false notion of popularity; and supposed that the character of a patriot was, without distinction of times or persons, to be ever against the court, and in all cases whatsoever. Notwithstanding these men could not but be sensible, that the preservation of their religion, laws, and liberties, was inseparably interwoven with that of the government; that the face of affairs was so far altered by the late happy revolution, that the interest of their country was plainly the same with that of the court; which appeared as well by the opposition that was made to it, by all those whom these men themselves ever looked upon as the greatest promoters of popery and arbitrary power, as by the principles of liberty by which the government was brought about, and on which it must always stand; notwithstanding this was a government of their own seeking, and than which they could never expect any other more favourable to them, either in their civil or religious interests; notwithstanding all this, such a satisfaction it was to thwart a court, such a pleasure to express a private resentment, and by the same act to be thought popular, that these men, to the admiration of all, and with the secret derision of their new friends, endeavoured what they could to make the government uneasy.

Moreover, at this time another difficulty lay heavy upon the nation: Our current coin had many years before began to be clipped, a mischief which of late had been secretly carried on and promoted by the enemies of the government, and the dangerous consequences of it not being heeded, or wilfully neglected, and therefore no remedy being applied, our money was now become so far diminished and debased, that the nation suffered unspeakably by it, both in carrying on the war, as well as our commerce. The cure of this evil could no longer be delayed, without apparent and inevitable ruin. The adherents of the late king, and the disaffected to this, observed it with inconceivable joy. They were very confident the government must unavoidably split on this rock,

and that this single mischief was enough to sink it; and though the friends of the government and their country (I call them so, because the interest of both are now so inseparably united, that 'tis impossible to be one without being the other) were fully convinced that this grievance ought to be redressed, yet how to effect it in such a conjuncture, without bringing the nation into the utmost confusion, was enough to puzzle men of the deepest reach and greatest capacity.

Our enemies abroad, after the glorious success of his majesty's arms the last campaign in Flanders, grew very diffident of the issue of the war. After this blow, which wounded them in so sensible and tender a part, they expressed by their behaviour and language, how much their hopes of subduing us by force were abated; they could not but foresee, that if his majesty could appear in the field the next summer in the same circumstances as he did the last, it would be very hard, if not impossible, for them to oppose his arms. To prevent this, they had two things to wish and promote; one was to embroil our affairs by creating mutinies at home; the other, to ruin our credit, and thereby disable us from carrying on the war abroad. The first they hoped would be effected by the ill state of our coin; for to neglect that disease, or to attempt its cure, they judged would alike produce such intestine disorders as would prove our destruction: And as to our credit, they judged, that if by any means that of the Bank of England could be destroyed, which was then the great support of the nation, and was by experience found to be so the following summer, when it contributed so much to the support of our army, at a time when the bank itself laboured under the greatest streights, it would be impossible for us to maintain our army abroad; and for this reason they engaged their friends in England to employ themselves with the utmost diligence, to aggravate the inconveniences of not recoining our money if that should be neglected, or to embarrass and entangle, as much as they were able, the methods of recoining it, in case that should be agreed on, and thereby make it grievous and insupportable; and in case any miracle should happen, that this great business should be accomplished without the confusion that was expected to follow, they were instructed to leave no stone unturned whereby they might hope to destroy the public credit, and particularly that branch of it that remained most entire, the Bank of England. If either of these designs, and much more if both succeeded, they were well satisfied it would be impossible for the king to appear in Flanders the next spring in that formidable manner he did the year before. In this posture our affairs stood, and indeed this business of the coin was such a complicated, and almost inextricable a mischief, that notwithstanding this parliament, as will appear in the sequel of this history, appeared a most wise assembly, and did wonders for the preservation of the government and their country, yet it may be perhaps allowed, that some unfitting and unwary steps were made, when they first entered upon so delicate and intricate an affair; and indeed the novelty, as well as the nicety of it was such, that it was their honour they made no more, if indeed they made any. It is not certain, that if according to some resolutions, the silver money had been all called in at once, and then paid out as fast as recoined, according to the respective appropriation, we should not have run into the greatest confusions; for it is not easy to tell how the smaller necessities of life and commerce among the people could have been maintained, had the money been called in all at once, or how the new money should have freely circulated, had it been all paid out as appropriated; for it seems that the monied usurers and the goldsmiths must of necessity have received the far greatest part, who were not likely to part with it without great advantage: And if these had been the consequences, it is plain the nation could by no means have subsisted; and as some men apprehended, that had the parliament proceeded in these steps, this confusion would have followed; so they were afraid, that if the second bank, that was intended to be set up, had been established, it would have proved so great a diminution of the credit of the former, that it had been impossible to

have supported our army in Flanders; and if that had been the consequence, we must have been contented with what terms of peace our enemies would have been pleased to give us.

Whether these resolutions would have produced these effects which many apprehended is not certain, they being never put into execution; but this is certain, that if these measures were wrong, the parliament soon after recovered themselves, to their great honour; for even then, when they found themselves perplexed, and almost oppressed with their hard affairs, yet such was their zeal for the service of their country, such their courage and resolution, that they broke through all their amazing difficulties, and made the way to a prosperous conclusion.

Besides, at this time, though it is plain by the event that the nation had treasure enough to support the war, yet the ways of coming at it were grown very difficult. The former parliaments chose rather to establish funds for public supplies, than to use any methods of raising them within the year; divers branches of the king's revenue were, by his majesty's own consent, subjected to great anticipations, and the most easy and obvious funds were already settled, and sufficiently loaded; so that by the continuance of the war, it became much harder for this, than for the preceding parliaments, to find out ways to defray the charge of it.

This was the posture of affairs when this memorable parliament first sat down. These were the complicated diseases under which the nation laboured, when these physicians of state met together to consult about proper remedies. Now, to judge right in such nice and perplexed cases, and to extricate a kingdom from such various and pressing difficulties, is a task worthy of wise and great men; and, when it is duly considered what condition this parliament found the nation in, what hard work lay before them, and how they surmounted the frightful difficulties they had to contend with, whereby they defeated the hopes and expectations of their enemies, and settled the nation in peace and tranquillity, it can't but raise in us a mighty esteem of their love to their country, as well as their courage and great capacity.

His majesty having finished the campaign in Flanders, 1695, no less to his own honour than the general satisfaction of his people, arrived in England the 14th of November, where he was received with as loud applauses, and as great demonstrations of public joy and affection, as have been expressed on any occasion. He met the parliament on the 22d day of November following; and, at the opening of the sessions, both houses, with great zeal and unanimity, in a very loyal address to his majesty, congratulated the success of his arms in Flanders, and his safe return to his people; in which they likewise assured him of their stedfast resolution to support his majesty and his government, against all his enemies at home and abroad, and effectually to assist him in the prosecution of the present war.

The great thing this parliament had to do, and which they undertook with great alacrity, was to find out ways to discharge the expence of the war, and to carry it on with vigour, till they could bring it to a safe and honourable conclusion; this they were resolved to do with the utmost care and application. But, at the same time, to shew their zeal for the ease of the people who chose them, and the security of their lives and estates, before they so much as entered upon any public business, a bill was brought into the house, and read the first time, for regulating trials in case of treason and misprision of treason, where many things which the people complained of as grievous were removed or mitigated. This bill in a short time passed both houses, and was one of the first that received the royal assent this session; by which gracious condescension, his majesty was pleased to let his people see, that he was as ready to contribute every thing in his power, for the ease and safety of his subjects, as they were every thing in theirs for the support of his majesty and his government. About the 2d of December, the House of Commons voted a supply for carrying on the war, and

proceeded to proportion it according to the estimates relating to the navy, army, and our allies. They endeavoured, all that was possible, to raise the supplies they had voted, by such ways and means as might keep the people from being querulous and uneasy. And notwithstanding the lands of England had all along borne so great a share of the public charge, and that now there might be a greater pretence than in former parliaments to ease the landlord, yet the house resolved not to spare themselves, but taxed land four shillings in the pound. They were contented to share the expence of the war, and chose rather to burden themselves than their tenants, acting in this like wise generals, who, to encourage their troops, and engage their affection, put them upon no other hardships than what themselves are most forward to undergo.

About this time the parliament entered upon the great affair of the coin; and whether it was necessary or expedient to recoin the silver money was the first question. The arguments were indeed weighty on either side. The reasons against calling in and recoining our money were, that this was no fit conjuncture for it: That the nation was engaged in a burthensome and doubtful war, by which the kingdom had already greatly suffered, and of which it grew every day more sensible: That therefore the people, on whose good affection the government so much depended, should not be provoked by fresh superadded grievances, greater than any they had yet felt, as those would certainly be that must arise from calling in our coin: That if this was done, however things might be managed and accommodated at home, it was impossible to maintain either our foreign commerce, or our foreign war; for neither the merchant could be paid his bills of exchange, nor the soldier receive his subsistence: That this therefore was to lay the axe to the root, and to dig up the foundations of the government: That if this design was prosecuted, trade must stand still for want of mutual payments, whence such great disorders and confusion would certainly follow, as would discourage and dishearten the people in the highest measure, if not drive them to a perfect despair: That therefore the recoining our money at this time was by no means to be attempted without hazarding all.

It was alledged by those of the contrary opinion, that the mischief would be fatal, if a present remedy was not found out and applied: That by reason of the ill state of our coin, the change abroad was infinitely to our prejudice: That the supplies that were raised to maintain our army would never attain their end, being so much diminished and devoured by the unequal change and exorbitant premiums before they reached the camp: That this was the unhappy cause that our guineas were mounted to thirty shillings, that therefore, to our great loss, all Europe sent that commodity to this profitable market, and would continue to do so, till we should be impoverished and undone by our plenty of gold: That we must exchange for their gold our goods or our silver, till at last we should have only guineas to trade withal, which nobody could think our neighbours would be so kind to receive back at the value they were at here: That therefore this disease would every day take deeper root, infect the very vitals of the nation, and, if not remedied, would soon become deplorable: That our enemies would sooner be induced to agree to honourable terms of peace, in case they saw us able to surmount this difficulty, by the retrieving the ill state of our coin, on which their hopes of our speedy ruin so much depended: That it would justly create a mighty esteem abroad of the greatness and wisdom of the parliament of England, which was able to conquer such an obstinate and almost insuperable evil, in such a juncture of affairs: That our enemies must be mightily intimidated by so great an action, and that it would be natural for them to conclude, that nothing would be impossible for a people who were able to disengage themselves from such an intricate mischief, and get above difficulties that were looked on as invincible.

This matter being fully debated, after all their deliberations, the parliament resolved to call in and recoin our money, looking on it as an essential and capital point that

required, as certainly it did, their immediate application, and utmost care. They resolved to do it at any rate, and to use all imaginable endeavours to make it as easy to the people as it was possible for such a remedy to be. They chose rather to run the hazard of some great inconveniences, by attempting the cure, than by their longer neglect of it, to expose the kingdom to apparent ruin.

This step being made, the next was to consider, whether the several denominations of our new money should have the same weight and fineness as the old, or whether the established standard should be raised? And this question produced many debates.

Those who were for raising the standard argued thus: That the standard of our coined silver ought to bear proportion to silver in bullion: That the price of an ounce of silver bullion was advanced to six shillings and three-pence, and therefore the standard ought to be raised to an equality: That the raising our standard would prevent the exportation of our coin, which had been so much practised, to the great prejudice of this kingdom; that it would prevent its being melted down, and men would be encouraged to bring in their plate and bullion to the mint.

Those who were for preserving the old standard in our coin, urged that the worth of money was relative, and to be rated by the measure of such goods, labour, advice, skill, or other assistances, as could be purchased from another by our parting with it: That the value of money among people that lived under different municipal laws, was intrinsic, and consisted in its weight and fineness: That common consent had given it this value, for the common conveniency of supplying one another's wants: That the weight and fineness was the only worth that other nations regarded in our coin, or we in theirs; all money being, between subjects of different governments, of no greater value, excepting the workmanship, than so many pieces of uncoined bullion: That, therefore, should our standard be altered, we should still be upon the same foot with our neighbours; for, if we were to pay them for their goods, or exchange our money with theirs, whatever denomination we gave our money, they would, in their change, ever reduce it to an equality with theirs, and proportion the quantity and goodness of their commodities to the weight and fineness of the money they were to receive for them: That, therefore, in respect of our foreign commerce, there was no reason to alter our standard. And at home, they said, that if the standard was raised, great confusions would attend it, the landlord would be defrauded of a great part of his rents, and the creditor of his debts: That the seamen and the soldiers would be wronged in their pay, &c., and many the like injuries and inconveniences would happen: That it was no answer to say they might buy as much goods and conveniences of life with this coin raised above its standard as they could before; because, by degrees, the seller would infallibly raise the price of his goods in proportion to the new-raised standard, and that of this there was an instance before them, all commodities being greatly raised in their price, while guineas were paid for thirty shillings: That whereas it was alledged that the price of bullion was risen to six shillings and three-pence, and therefore the standard of our silver coin ought to be raised likewise, it was replied, that it was a thing impossible that the price of silver could ever rise and fall in respect of itself; that it was an unchangeable truth, than which no mathematical demonstration could be clearer, that one ounce of silver would be ever worth another ounce of the same fineness, and no more, allowing some inconsiderable disparity upon account of the coin, if one ounce be in money, and the other ounce in bullion: That it was true indeed, that the people commonly gave six shillings and three-pence for an ounce of bullion; but they gave only clipt pieces, that had no more than the name or sound of shillings and pence, but were by no means the things themselves; that is, they were not the standard shillings of due weight and fineness, and so were no more shillings, in the just sense of the word, than an ell is an ell when the third part of it is cut off, or two halves of a broken yard are each of them a whole one: That the

case was so plain, that when they demanded of those that affirmed an ounce of bullion was worth six shillings and three-pence, Whether they meant six milled shillings and three-pence? they knew not what to reply; for this alteration of the value of bullion was merely in relation to the diminished money. And to make it yet more evident, they urged that it was then matter of fact, that with five shillings and two-pence of new-milled money they could buy as much bullion as they pleased, while those who bought it with clipt pieces paid six shillings and three-pence. That whereas it was urged, that the raising the standard would prevent the exportation of our money, it was replied, That there was no other way possible to keep our money at home than by out-trading our neighbours; that is, by sending them more commodities, or of greater value, than those we received from them; for if so be, upon the balance of trade, we were found in their debt, there was no way left but to pay it in coin or bullion; and that therefore whatever denomination we gave our coin, we must be necessitated to send it abroad, if the commodities we exported could not pay our debts: That all the other arguments for raising the standard would sink to the ground, in case these two, on which the rest were built, had no reasonable foundation. After the debates on this subject, the house came to a resolution to recoin the money according to the old standard, both as to weight and fineness. And, to make it more easy to the people, they voted a recompence for the deficiency of the clipt money.

When the parliament undertook this sour and knotty piece of work, they were not insensible of the inconveniences that would arise from it; the principal of which, and the spring of most of the rest, would be a cessation of payments, and thereupon an interruption of commerce for want of the circulation of our money during its recoining. This trading nation could not live, unless this vital current was constantly maintained; and our gold alone was not sufficient for that purpose. To obviate this evil, which must have been fatal had it not been prevented, was enough to try the skill and stretch the imagination of the ablest statesmen. 'Twas plain England could not subsist unless some expedient was found out to support its trade, till the new money returned from the mint, and to hit of such an expedient was, indeed, a very difficult task. They therefore agreed to call in the money by degrees; that, while some denominations of coin were suppressed others might be current, hoping that before the last old money should come in to be recoined, so much of the new might circulate from the mint, as might sufficiently answer the necessities of the nation. But this expectation was partly defeated by the backwardness of the people to receive any old money, though allowed at present to pass, apprehending at last it would be left upon their hands at a great loss, partly from the slowness of recoining in respect of the people's wants, though otherwise dispatched with all the expedition imaginable in so great an affair, and partly by reason of the unequal intrinsic value between the new-milled money, and those pieces or denominations of the old which were allowed to be current, and in which payments were usually made; for, while the hammered money, and pieces not clipt within the ring, were permitted to pass for the present necessities of trade, nobody was willing to make payments in new money, which so much exceeded the old in its intrinsic worth. And therefore the new silver money, as fast as it issued from the mints and the exchequer, was in a great measure stopt in the hands of the first receivers, for none were disposed to make payments in the new silver coin at the old standard, when they could do it in clipt pieces so much below it. And those who had no payments to make, kept their new money as medals and rarities in their chests; and there is too much reason to believe, that at first a great deal of the new money, by help of the melting-pot, went abroad in ingots to purchase gold, which at that juncture was a very profitable commodity in England.

And though the parliament lowered the value of guineas, as shall be afterwards mentioned, hoping by that means to bring out the new money into circulation, yet by the

artifice and managery of some men, the people were made to believe that the value of guineas would be raised at the next session, upon which abundance of men that had great sums of guineas in their chests, kept them close there, in expectation of their being raised in value, when the parliament should come next together. By this means, though the circulation of the new money was a little promoted, yet that of guineas, by which we then chiefly subsisted, was quite obstructed; this golden coin, which was before incredibly frequent, vanished on a sudden; and the new silver money too, the value of which the people were persuaded to believe, would be advanced the next session, was for that reason in a great measure hoarded up, to the great damage of our commerce; for by this means the nation was reduced to very great straits, especially in their payments of foreign bills.

The parliament about this time took into consideration the lowering the value of guineas, to which the people had raised them. The reasons against sinking their value were, that the people were easy and pleased with it, and it would raise a great disturbance and clamour in the nation, to fix them at a lower price. That abundance of people would be losers in whose hands the guineas should be at last found. That the farmer and common tradesman, who now all abounded with guineas which they received at thirty shillings, would not bear such a loss. That therefore it ought to be considered, how far it was fit to incense the common people in this juncture of affairs, who had already suffered so much by the war.

Those who were for reducing the price of guineas argued, that there was as great reason to bring down guineas, as there was to recoin the silver money at the old standard; and here they reckoned up the mischiefs mentioned before on that head: That, however, the parliament were obliged to manage by the necessity of affairs, and to suffer for a time the guineas to pass at that excessive rate, that in some measure there might be a currency of money, while the mints were employed in new coining the silver; yet now they were obliged to sink the price nearer the old standard, that the silver money might not be stopt and hoarded up as fast as issued out from the mints. And whatever losses and inconveniences the people might suffer by the reducing of guineas, yet the mischiefs that arose, and would daily increase from not doing it, did infinitely over-balance those on the other side. Upon this the house resolved to lower the price of guineas; and, that they might do it with less grievance and disquiet to the people, they chose to sink them by degrees, till at last they reduced them to the state they are now in, that is, that they should not pass in payments for above twenty-two shillings; that by this means guineas being brought near to an equality with our new silver money, the circulation of the last might not be obstructed; and the event answered the expectation.

But notwithstanding all the care which the parliament used to provide against the mischiefs they foresaw were likely to follow, yet many great inconveniences were unavoidable: And one evil arose during recoining the money; that is, a general loss of credit, which indeed shook the state; but this likewise was cured by a most seasonable and wise remedy, which the parliament applied in their second session. So that at last this great undertaking of the highest difficulty, yet of absolute necessity, was happily accomplished.[1] In this affair the parliament shewed such wisdom, such care of the

[1] Dalrymple has recorded with great approbation the measures taken for ameliorating the coinage:—"The houses next proceeded to remedy the disorders of the silver coin, which was so much impaired as to be fallen about a third in its value, for the guinea passed for thirty shillings, by which payments were made so uncertain that no man knew the real amount of what he got. The consequence was, that other countries threw their gold into England, and purchased goods with English silver at two-thirds of their value; the exchange of all nations was against England; the troops and seamen were ready to mutiny because paid in nominal not in true value; and a general bankruptcy both private and public must have ensued. But though all saw the disease, many long opposed the attempting a remedy; some actuated by their fears to tamper with the coin in time of war and low credit, and others because instructed by the late king to thwart and perplex whatever could be beneficial

public, such unbroken courage and resolution in undertaking and carrying on a business of this importance, and incumbered with so many and such great obstructions, that no patriots ever merited more of their country, none having ever rescued it from greater and more apparent danger. By restoring our coin, they restored health and strength to a nation under the worst symptoms in the world. They restored the honour of the English, confirmed the shaking government, and laid the foundation of that honourable peace which after ensued, and which we now enjoy.

And those worthy gentlemen who made the greatest figure in this parliament, and had the chief direction of this particular affair, must be allowed to have shewn a great capacity, and a masterly judgment, as well as a just regard to the good of the people; and therefore no votes in their favour, no praises and thanks from their country, can be thought too much for those who have so well deserved them.

No part of the Roman history gives a man a greater image of that noble people, than that which relates the presence of mind, the unshaken constancy, and the wise conduct, which the senate shewed after the loss of the battle of Cannæ: To be uncapable of desponding, even in extremity of affairs; to wind themselves out of such intricate and pinching straits, and at last to weather difficulties which seemed insuperable; this cannot but create a great opinion of their wisdom and resolution.

Some of his majesty's implacable enemies, finding themselves disappointed the last year in Flanders, and being impatient to wait the event of another campaign, betook themselves to the most wicked and most dishonourable means of accomplishing their designs.

Upon the 24th of February, the king came to the House of Lords, sent for the Commons, and having passed what acts lay ready for the royal assent, in a gracious speech he acquainted both houses, that he had received several concurring informations of a design to assassinate him, and that at the same time the enemy was very forward in his preparations for an invasion of this kingdom. That he had given orders about the fleet, and sent for such a number of troops as might secure the kingdom from any attempt; that some of the conspirators against his person were in custody, and that care was taken for apprehending the rest. It is not necessary to give a long relation of this conspiracy; a short account is thus.

Several of the late king's adherents, not without the consent, encouragement, and direction of the late king and his ministers, had formed a hellish conspiracy against the life of his majesty. The conduct and execution of this horrid villainy was com-

to the new government. In the meantime numberless speculations, as happens on such occasions, were presented to Mr Montague, chancellor of the exchequer, but most of which, like other projects by flatterers, were calculated to give advantage to government at the expence of the subjects; for some proposed to lessen the weight of the coin, others to mix it with alloy, others to increase its current value, some to substitute paper in payments without providing a security for it. But Mr Montague called to his aid Sir Isaac Newton from his mathematical and Mr Locke from his metaphysical studies, knowing, by his own experience, the ease with which men possessed of talents and knowledge can transfer them from one object to another. And these three persons remedied an evil deemed to be above remedy, by applying the principles of common sense and common honesty to it; for they prevailed with parliament to call in all the old coin at its intrinsic value, and to pay the difference between the old and the new, which amounted to about 2,400,000*l.* by a tax on houses and windows, by which the loss of all was contrived to fall equally upon all; and people grudged not to pay a few shillings once in a year in return every day of the year for security in their payments. In one thing only Mr Montague's plan proved unfortunate in the execution: for, instead of allowing the old money to be taken in payment according to its weight, and consequently letting it find its own way to the mint, as was done some years ago by Lord North, the currency of it in payments was stopped by law in order to force it more speedily to the mint; and the consequence of this was to put at first an immediate stop to a great part of the traffic of the nation, which could not go on without payments in some kind or another. In order in some degree to remove this temporary evil, mints were erected in different parts of the kingdom from whence the new money issued, and then the old money was sent readily to them. But it was much better remedied by the public spirit which supplied the want of specie; for the soldiers and seamen submitted to lie out of their pay, and the rest of the nation out of their payments, without murmuring."—DALRYMPLE's *Memoirs*, II. 84, *ad ann.* 1696.

mitted to Sir George Barclay, who had formerly been a general officer, and was then in France, an officer in the late king's guards. This gentleman ruffian undertakes the barbarous business; and for the accomplishing of it, departs from St Germains about the tenth day of December for England, where he arrived about the beginning of January. Before him, with him, or after him, about twenty more of the late king's guards, who were embarked in the same bloody design, and who had all instructions to obey the orders of Sir George, came into England, where in a short time they engaged about as many more in the conspiracy. Several consultations were held, and several ways were proposed, where and how to assassinate the king's person, and at last it was agreed that they should execute their design on a Saturday, as his majesty returned from Richmond, whither he used to go on that day, to take the diversion of hunting.

The place agreed on was the lane between Turnham-Green and Brentford, through which the king was to pass after his landing at Kew-Ferry; and, to avoid suspicion, they were to go out of town in small numbers to the inns in Turnham-Green, there to stay till they had notice that his majesty's guards appeared, and then they were to mount, and in a body to march to the lane, where some were to attack the king's person, and the rest in the mean time were to engage the guards. The day for executing this horrid deed was at hand, when Mr Pendergrass, who had been newly made acquainted with the design, and seemed to consent to it, though indeed he only complied with it till he could gain the fittest opportunity to discover it, went to my Lord Portland, and disclosed to him this important secret; by whose means his majesty's life was preserved from the violence of the conspirators, and that fatal stroke most happily prevented, which must have been attended with all the terrible calamities that fear itself is able to represent.

Both houses of parliament were greatly alarmed at the news of this barbarous conspiracy, and being satisfied that the welfare of the kingdom entirely depended on the safety of the king's person, they joined in an address to his majesty, full of loyalty and the warmest affection, wherein they congratulated the happy deliverance of his royal person, gave him thanks for imparting to them the horrid design of assassinating his majesty by papists and other disaffected persons, and of the intended invasion from France; humbly desired his majesty to take more than ordinary care of his person at this time; assured him that they would stand by, assist, and defend his majesty with their lives and fortunes against all his enemies, and that in case he should come to any violent death (which they begged God to prevent,) they would revenge the same upon all his majesty's enemies and their adherents; told his majesty they would give all possible dispatch to publick business, and desired him to seize and secure all persons, horses, and arms, that he might think fit to apprehend.

On this occasion the House of Commons, for the security of his majesty's person, entered into an association in these words: "Whereas there has been a horrid and detestable conspiracy formed and carried on by the papists, and other wicked and traitorous persons, for assassinating his majesty's royal person, in order to encourage an invasion from France, to subvert our religion, laws, and liberties, we whose names are hereunto subscribed, do heartily, sincerely, and solemnly profess, testify, and declare, that his present majesty, King William, is rightful and lawful king of these realms, and we do mutually promise, and engage to stand by and assist each other to the utmost of our power, to the support and defence of his majesty's most sacred person and government, against the late King James and all his adherents; and in case his majesty come to a violent or untimely death (which God forbid), we do hereby farther, freely and unanimously oblige ourselves to unite, associate, and stand by each other, in revenging the same upon his enemies and their adherents, and in supporting and defending the succession of the crown, according to an act made in the first year

of King William and Queen Mary, entitled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown."[1]

They ordered at the same time a bill to be brought in, That when it should please God to afflict these realms by the death of his present majesty, the parliament then in being should not be dissolved thereby, till the next heir of the crown, according to the late act of settlement, should dissolve it. And if there is no parliament then in being, the last preceding parliament shall immediately convene and sit; and it was done accordingly. By this wise act, as the parliament provided against that confusion and disorder that might happen by the cessation of parliaments, and all commissions on his majesty's decease, so nothing could have been imagined more effectual for the security of the king's invaluable life, against the implacable malice and violence of his enemies, seeing by this means all hopes of escape and impunity were cut off, in case they should succeed in their hellish attempt. They likewise addressed his majesty to issue out his royal proclamation, to banish all papists from the cities of London and Westminster, and ten miles from the same, according to the laws made for that purpose; and likewise, that he would please to give instructions to the judges going the circuits, to put the laws in execution against papists and nonjurors.

By these proceedings and prudent provisions for the king's safety, the parliament equally expressed their unalterable loyalty to his majesty, and their tender care and vigilance for the happiness of the people; it being as clear as noon day, that had not his majesty, by the gracious providence of heaven, been delivered from this hellish design, the greatest calamities and desolation must have overwhelmed the kingdom, that ever befel a miserable people: And it is very observable, and must be taken notice of, for the honour of this parliament, that amidst all their zeal for securing his majesty's life, on which all our happiness depended, they expressed that lenity and memorable regard to the liberties of the people, that they passed no new and extraordinary law for the conviction of the conspirators, as men in such amazing dangers might have been provoked to do for the preservation of the government; but they mercifully left them to stand or fall by the known laws which were then in being. And it is very remarkable, that one of the persons tried for this conspiracy, was the first that had the benefit of the law that was before mentioned to be made this very session to regulate trials in cases of treason.

There is but one single instance that seems to contradict the universal extent of this observation, and that is the case of Sir John Fenwick, which happened in the second session of this parliament; yet neither in that case was any new law made for the trial of the criminal by the judges in inferior courts: But the parliament thought fit to

[1] "The first knowledge of the intended invasion came from the same persons who had given intimation of the assassination; but later, because the attention of all persons was at first engrossed by the safety of the king. But he, who had delayed making enquiries when his own danger was alone concerned, went instantly, on Monday the twenty-fourth of February, to parliament, when he heard of the nation's danger, and in a speech gave an account of both the invasion and assassination. The suddenness with which the information came upon the members of the houses, the junction of the two objects which it contained, and the intimate connection which that junction shewed there was between the interests of the nation and the safety of the king's person, added weight to the impression which his speech made. The House of Commons unanimously, and without rising from their seats, framed an association to be signed by all their members, in which they declared, 'That King William was their rightful and lawful king, and that they would defend him against the late king and all his adherents; and in case he came to a violent death, that they would revenge it on his enemies.' The peers, with some trifling alterations of expression, joined in the association. Both houses concurred in compelling their members to sign the association which acknowledged his title to the throne. At the request of the House of Commons, it was lodged, with all other copies of it signed any where else, in the records of the Tower, as a monument of the loyalty and affection of the people of England. From parliament it ran through all the British dominions, both at home and abroad. All persons in public situations of life in Britain were compelled by penalties to sign it; and private mingling itself with public passion, it was signed by an infinite number of individuals. So that an attempt to take from him his kingdom and his life, seated him more firmly on the throne than an hundred acts of parliament could have done."—Dalrymple, III. 99, 101.

make use of the legislative authority, and to proceed against him by bill of attainder, which nobody questioned their power to do. That government would be defective in its constitution, and uncapable of defending itself, that had not a power lodged in it to reach a criminal, in an extraordinary case, by an extraordinary manner; neither could the legislative power be looked on as under the same restraints, limitations, and forms of proceeding, which the judges, who are entrusted only with the executive part of the law, are obliged to observe in the ordinary courts of justice. The questions therefore, in this case, seemed to be only these two, Whether the parliament had sufficient convincing grounds to believe the prisoner guilty of the treason of which he stood accused? and in the second place, Whether this was a case of that extraordinary nature, and that importance, as required this uncommon way of proceeding by bill of attainder? As to the first question, all the world, as well as the parliament, thought there was sufficient reason to believe the prisoner guilty; but whether the evidence was, in all forms and limitations, such as the law required for convicting the prisoner before the judges in inferior courts, was out of the question, the parliament, as was said before, not being tied up, in their legislative capacity, to the rules and restraints by which the inferior courts were obliged to act. And as to the second question, Seeing the prisoner had so notoriously prevaricated with the government, seeing there was such a vehement presumption that one of the evidences was drawn off, and absented himself by the management of the prisoner's friends, to elude the law in the common course of it; and seeing the crime wherewith he was charged was of no lower nature than the dethroning of his majesty, and the subversion of the government, the parliament believed it a case so extraordinary and of such consequence, as sufficiently warranted this uncommon, though not unexampled, way of proceeding.

These were the chief transactions of this parliament in their first session; those of the second come now to be related.

The great deficiencies of the funds settled by parliament for the service of the year 1696, and particularly the unhappy project of the Land-Bank proving wholly abortive, and not producing one penny of above two millions and a half, with which it was charged, were likely to have proved fatal to our affairs the following summer. This disappointment involved the king in so many great difficulties abroad, as well as home, that no clearer demonstration could be given of his majesty's wise conduct, or of the fidelity and affection of his army, than his finishing this campaign with so little disadvantage. His majesty's more discerning friends could not but tremble, to think on the hard circumstances our army was in, and how dangerous the issue was like to prove; while the enemies of the government were all overjoyed at the hopeful prospect of our sudden ruin. But, to their great mortification, his majesty, whose spirit was never broken by the greatest difficulty, who never wanted presence of mind in the most surprising and pinching exigencies, by the assistance of divine Providence weathered this storm, and having put his army into quarters, returned in safety to meet his parliament.

The parliament came together the twentieth day of October, and after they had, in a loyal and most affectionate address, assured his majesty, that though they had borne so many years the great burden of the present war, yet they were most stedfastly resolved never to desert his interests, or be wanting to their country, till by his majesty's arms they should obtain a safe and honourable peace, they entered with great chearfulness upon the business that lay before them, which indeed was very great.

The principal evil which this parliament had to remove, was the loss of public credit; for the tallies struck on funds settled by parliament, especially such as were remote, were exchanged for ready money at a mighty loss, and the government was obliged to make excessive discounts and allowances, to bring treasure into the exchequer. This great and almost fatal loss of credit arose chiefly from two springs, the deficiencies of

parliamentary funds, and the re-coining our silver. The first made trust and confidence, as the last made money, to be very scarce.

This loss of credit was so great, that unless it were restored, it was not possible for the government to continue much longer: The notes of the Bank of England, which had been a mighty help to the public, were discounted at twenty, tallies at forty, fifty, or sixty per cent. The government had contracted a mighty debt, and some funds were wholly taken away, and the rest proved deficient; great numbers of tallies had no funds at all, and the rest were on funds very remote. Hereby the trust and good opinion of the people was so far lost, that those few who had any money to lend, shewed the greatest backwardness imaginable to advance it for the public service; and therefore all loans to the government, as was said before, were procured on the most immoderate premiums and exorbitant discounts.

This decay of public credit created the greatest confusion and disorder in the world; our affairs seemed reduced to extremity, and the government was looked on to be at a stand. All men were at a gaze, and stood wondering what the parliament would do; what measures they would take in such perplexing difficulties, scarce believing that the wit of man was able to find out any remedy, or propose any expedient that could be effectual in removing so great a mischief. Those who were for galling and streightening the government, had now the wicked satisfaction of seeing it sufficiently distressed; it not being possible that our affairs could be more embarrassed than they were in this conjuncture.

To revive public credit was therefore a thing of the last necessity for the preservation of the government; but as the wisest men without door were at their wit's end how to accomplish it, so the malcontents were certain that this evil was never to be cured; and therefore looked upon the government as near its end, gave it up as desperate, and triumphed in the expectation of a sudden revolution.

But this great parliament being fully sensible that the restoration of our credit was a point of capital importance, instead of being discouraged by the difficulty of effecting it, they were rather animated to undertake the work with greater zeal and application; as if they looked on nothing which was necessary to be impossible; and resolved at any rate to find out means to preserve their country, and break through all opposition, how great soever it should appear, to confirm and secure our happy establishment.

The parliament was very sensible, that one great spring of this mischief was that mentioned before, the deficiencies of several aids and duties which neither had been, nor ever would be, sufficient to answer the principal and interest charged upon them. That these deficiencies, and the remoteness of the course of payment of the tallies, were the true reasons why the owners of such tallies were frequently necessitated, for the procuring of ready money, to dispose of and exchange them at a great loss; by which means the publick credit was extremely weakened, our commerce interrupted, and other publick and private affairs exceedingly perplexed. The parliament therefore took this great affair into their serious consideration, and in order to the cure of this grievous wound, which began to ulcerate and eat into the very heart of the government, they resolved to search it and lay it open to the bottom.

This they did by ordering an estimate or computation to be laid before them of what sums were, or would be, wanting to satisfy and discharge all principal and interest due, or to become due, on the several aids, duties, or funds, over and above all arrears standing out upon them, which were determined, and over and above all monies to be raised by such as were then unexpired; and the computation of all the particular sums that were wanting to make good all the deficient funds being made, the whole amounted to five millions one hundred and sixty thousand four hundred pounds, &c. The parliament now having got to the bottom of the disease, resolved on a thorough cure, by

making provision for the payment of the whole debt. They were perfectly convinced, that to cure a part was no way to cure the disease, and restore strength to the whole. Had some deficiencies been taken care of, and others neglected, public credit must have continued lame; and the government must still have halted, if it had not fallen to the ground. That therefore the remedy might be adequate and commensurate to the evil, the parliament found out a general fund which might secure the payment of the whole five millions, &c. That so there should remain no tally without a fund, nor any tally on a deficient fund, but what in its course of payment should be satisfied and discharged. For this end they continued divers taxes and duties after the day on which they would otherwise have expired, to the first day of August, seventeen hundred and six, and appointed all the monies which should arise, and be brought into his majesty's exchequer, from any of these taxes or duties, from the day on which they were otherwise to expire, to the said first day of August one thousand seven hundred and six, to be the general fund for making good all the deficient ones, by the satisfaction and payment of the principal and interest due, or to become due thereupon. And that all occasion of complaint might be removed, and equal provision might be made for all, the parliament directed, that all monies arising from the duties so as before continued and appropriated for a general fund, should be distributed and applied to pay principal and interests upon every one of the deficient funds, in just proportion to the sum of which they were deficient. And that all the money which should be in such a due proportion distributed or placed to the account of each deficient tax and fund for the discharge of principal and interest, should be issued or paid out to all who were entitled to receive the same, in such course and order as if the same were monies really arising by the respective and deficient funds, and that without being diverted, misapplied, or postponed; and the officers of his majesty's treasury were to incur great penalties in case this method or order were not observed. And to remove all doubts about the security intended to be given, in case on the first of August seventeen hundred and six, or within three months then next ensuing, the whole produce of the several funds and revenues appropriated for a general fund, together with other grants then in being, should not be sufficient to discharge the sum of five millions, &c. intended to be discharged; that then what was deficient should be made good out of such aids or revenues as should be granted in the next session of parliament.

Thus the parliament found out a security sufficient to discharge this great debt that lay so heavy on the nation, which was not only a stroke of admirable wisdom, but likewise such a noble act of public justice, as perhaps cannot be equalled in the story of any nation. Money at that time was not in being, and therefore not to be had; and a sufficient security was all that could be demanded or expected; and this was very happily provided for, wherein a due regard was had to the particular interest of every man concerned. And for as much as all the branches of public credit did plainly depend on, and mutually support one another, the parliament took into consideration, by what means they might restore the credit of the Bank of England, which was then at a low ebb.

In order to this, the parliament agreed to augment and enlarge the common capital stock of the Bank of England, by admitting new subscriptions, which new subscriptions should be made good in tallies and bank-notes. The proportion was four-fifths of the first, and one-fifth of the last, and an interest of eight per cent. was allowed, as well for all such tallies as should be brought in to enlarge their stock by new subscriptions, as for those tallies which the company was then possessed of, provided they did not exceed the value of those bank-notes, which should not be paid in upon this enlargement of their stock; and for securing the payments of this interest of eight per cent. the additional duty on salt was granted and appropriated. The time likewise of the continuance of the Bank of England they thought fit to extend to the year seven-

teen hundred and ten; and upon this encouragement a million was subscribed and paid in tallies and bank-notes, as the parliament had directed. This expedient was projected with all the prudence imaginable; and though many persons who were interested in it could not presently apprehend the reasonableness of it, yet the advantages they have since received have fully convinced them that no other way could have been found out to have retrieved their sinking credit; for the value of two hundred thousand pounds, in bank-notes, being sunk by the new subscriptions, the rest, as it was reasonable to believe they would, began presently to rise in worth; and so likewise did the tallies, after so many as amounted to eight hundred thousand pounds were paid in to augment the bank. And the owners of the rest have a great deal of reason to wish that they had sunk the remainder also the same way; for had that been done, this great work had been accomplished at one happy stroke. The whole five millions had in a moment been taken off from the government, and thereby a disease that was judged incurable had been entirely removed by a single application. For upon this, the credit of the bank began to recover apace, till in a short time their notes were all equal with, and their bills that bore interest better than money. By this means the face of affairs was in a short time much changed for the better; credit began to revive, money to circulate on more moderate terms; foreign exchange was less to our disadvantage, and soon after at an equality; the people began to think better of their condition, and were more convinced of the wisdom of our administration, and the care that was taken of them; and whatever hardships they had undergone by reason of a long war and the re-coining our money, which could not but occasion many complaints, yet the greatest part attributed this to the necessity of our affairs, and began to hope that, by the care and wisdom of the government, they should soon enjoy more favourable times.

Besides this of the great loss of credit, another evil, of no less difficulty or importance, remained still to be removed, and that was the great scarcity of money. The parliament, to prevent disappointments by settling funds which might be deficient, came to a resolution, that the supplies for the service of the year following should be raised within the year; and they voted those supplies in proportion to the estimates laid before them. But this resolution of parliament seemed a thing quite impracticable. How could five millions be raised within the year, while the silver money was called in and re-coining, and there was not current coin enough in the nation to answer the occasions of trade, and scarcely the conveniences and necessities of life? The enemies of the government made themselves merry with this vote of parliament, and instead of being the occasion of their anger, 'twas the common subject of their raillery, and the entertainment of their pleasant humour. And many even of the best friends of the government imagined, that the parliament by this rather expressed their zeal and willingness, than their ability to support the state. They had no way to satisfy themselves in this point, but by relying upon the wisdom and great capacity of the parliament, for whom they believed nothing was too hard, and who they hoped would conquer this difficulty, because they had mastered so many others before, which were looked on as no less invincible. Neither were their hopes in this matter disappointed, for the parliament had recourse to an admirable expedient in this pressing exigency, and found out a way of raising money in a juncture when no money was to be had. Other parliaments have been able to raise great sums of money when the defence of their country required it, but it was the particular honour of this to have been able to make it. They created money without bullion, and distributed great quantity of coin without help of the mint. This they did by authorizing the lords of his majesty's treasury to issue out bills from the exchequer to the value, first and last, of above two millions, which bills were first appointed to be brought in and sunk upon the common duty, commonly called the Capitation Tax; but before the session ended, the parlia-

ment was convinced by the first collection of that duty, that it would prove very deficient, and therefore they appointed the exchequer bills to be brought in on any other of the king's duties or revenues, excepting the land-tax, and allowed an interest of seven pounds twelve shillings per annum upon the said bills, which at first was not given. The parliament by this laid a good foundation for paper money to supply the place of our silver coin, which was called in to be new made; for so many payments were at this time to be made into the exchequer, that when the people had assurance given them that the exchequer notes should be received back again in payment for the king's duties, they were very well satisfied to take them, at first indeed at a small discount, but not long after at an equality. A great number of these notes were only for five or ten pounds, which answered the necessities of commerce among the meaner people, for the common conveniences of life. And that those who had advanced money in loans on any part of his majesty's revenue, might not be obliged to receive it back in notes that were under the value of money, to strengthen the reputation of these bills, the parliament authorized the lords of the treasury to contract with any corporations or numbers of private men, and to allow them a competent premium, provided they obliged themselves to exchange these notes for ready money, when tendered to them for that purpose; which the lords of the treasury did accordingly.

By this means the credit of the aforesaid notes was mightily secured, and daily arose nearer to par, till at this time they exceeded the value of money; and whereas the trustees contracted with to exchange them for money, were before as a premium allowed ten per cent. they have been since contented to do it for four. By this means trade and commerce were maintained; and without silver we had an artificial treasure circulating through the kingdom, which so well answered the design of the wise projectors, that by the confession of those very men who at first inveighed sharply against it, it proved an effectual though a paper prop to support the state, when its silver pillars were for a time removed. We were sailing in bad weather, and our main-mast was brought by the board; and 'tis very plain, that unless this jury-mast of exchequer notes had been presently made and set up in this stress of affairs, we must unavoidably have sunk and perished.

These bills past in payments as so many counters, which the people were satisfied to receive, because they knew the exchequer would receive them again as so much ready money. These state-counters so well supplied the place of money till new coin was issued from the mint, that trade was preserved, and mutual payments well enough made to answer the necessities of the government and the people; and by this means the parliament had the honour to accomplish another work that was judged impossible.

The parliament likewise this session, to the great satisfaction of the people, took care to remedy a publick grievance of long standing. Several places in and about the city of London, which in times of the Romish superstition were allowed as sanctuaries to criminals and debtors, had, ever since the Reformation, pretended a privilege to protect the last; and one of these was a notorious nest of broken and desperate men, in the very heart of his majesty's capital city, whither they resorted in great numbers, and, to the dishonour of the government and grievance of the people, defended themselves with force and violence against the law and public authority. The parliament took care to redress this inveterate mischief, and what was long expected from others, was effected by this, in an act intitled, "For the more effectual Relief of Creditors in Cases of Escapes, and for preventing Abuses in Prisons, and pretended privileged Places." Wherein such effectual provision was made to reduce these garrisons of out-laws, that immediately after the act was published, they abandoned their posts, and deserted in such numbers, that their old haunts became a desolation, and lay open to receive better inhabitants.

The summer after this session of parliament, his majesty being at the head of his army in Flanders, his enemies, even after they had opened the campaign with the taking of Aeth, thought fit to enter into a negociation of peace, which was begun and carried on at Ryswick, by the plenipotentiaries of all the princes and states concerned; and through the good disposition of the principal parties to so great a work, the treaty was concluded, and a peace ratified the autumn following, to the accomplishing of which his majesty's presence in Flanders mightily contributed. The management of this famous negociation, and the favourable terms on which it was concluded, were no less to the people's satisfaction than to his majesty's glory: for the malcontents never believed that it was possible for the king to make peace upon any, much less upon terms so very honourable; and therefore they looked on this transaction at Ryswick as a pure amusement either to break the confederacy, or to cover some notable design which was not yet ripe for execution. And when at last they saw the treaty far advanced, they began indeed to believe that a peace might be concluded with the rest of the allies, but they were certain England would never be included; for they judged this so incredible a story, that they scarcely believed it when the peace was publickly and solemnly proclaimed.

This important work being thus happily effected, his majesty returned to England, where the people every where received him, as they had the greatest reason in the world to do, with all the applause and demonstration of joy that can be imagined. He met his parliament the third day of December.

The war being ended, the House of Commons, for the ease of the people, voted the army to be disbanded, and resolved to raise a supply sufficient to pay off the troops; but at the same time when they took off so great a part of the burden from the country, out of a due regard to our future safety, they passed a vote to enable his majesty to keep such a number of troops on foot, and to maintain such a naval force, as in their opinion the security of the government and the publick tranquillity required.

When the house had voted a supply for the disbanding the greatest part of the army, they took into consideration the services of the officers and common men, who had amidst so many hardships, dangers, and disappointments, in nine successive campaigns, shewn so much bravery and fidelity in the defence of their country, as recovered the declining reputation of the English valour, and preserved the kingdom from the terrible assaults of the most potent empire that perhaps was ever erected in the world. It was thought hard that such gallant men, to whom the kingdom owed so much, should be discharged without any provision made for them: the House of Commons therefore passed a vote in their favour, That the officers should be continued in half-pay, till they should be otherwise provided for; and that the common centinels should have a donative at their disbanding; and, for their further encouragement, should be free to set up and exercise their trades in any town or corporation throughout the country.

This being done, the parliament took into consideration two great branches of trade, which had long wanted a due regulation; and they first entered upon that of the company trading to Africa; and in consideration of the necessity of keeping up forts and castles for the defence of our factories on the coast of Guinea, there being no regular government among those barbarous people, on whose protection they might safely rely, the parliament thought it necessary to establish the African company for the better carrying on our commerce to those parts. Yet the free traders, or interlopers, were likewise permitted to trade to the same coasts, provided they paid to the established company ten per cent. of the value of goods exported, towards the maintenance of the forts and settlements.

Next they entered on the business of the East-India trade, which had been depending many years, and was looked on as so nice and difficult that it had been referred to the king and his council, and back again by them to the parliament.

This affair being brought into the House of Commons, and the old company having offered to advance seven hundred thousand pounds, at four per cent. for the service of the government, in case the trade to India might be settled on them exclusive of all others, the house seemed inclined to embrace their proposal, when a number of eminent merchants proposed to the house to raise two millions at eight per cent. on condition the trade to India might be settled on the subscribers, exclusive of all others. They proposed that these subscribers should not be obliged to trade in a joint-stock, but if any members of them should afterwards desire to be incorporated, a charter should be granted to them for that purpose.

The house judged this overture not only to be more advantageous to the government, but likewise more likely to settle this controverted trade on a better foundation than it was before. A bill therefore was brought into the house, for settling the trade to the East-Indies on those who should subscribe the two millions, according to the limitations before mentioned. But so great a regard was had to the members of the old company, that till they had refused and rejected the offer made them of settling this trade upon them, if they would accept it on the same terms and limitations on which the others were contented to take it, and which the parliament judged most advantageous for the kingdom, and the bill did pass in favour of the new adventures.

The bill being passed, and the books laid open to take subscriptions, the whole two millions were subscribed in less time than four days, the people shewed so much zeal to assist the government, and promote the trade of the nation, that 'tis very probable a million more had been subscribed, had not the books been shut up before the distant corporations, and private men in remote counties, could remit their commissions for the great sums they intended to subscribe. The dispatch of so great a work, in so short a time, after the nation had borne so chargeable a war for so many years, surprised and amazed all the world: and as it greatly mortified all those who were joyfully assured that his majesty would be disappointed of this supply, so it gave our neighbouring nations an astonishing image both of the opulence of the people, and the strength of the government. This transaction, viewed in all its circumstances, is indeed so very strange and wonderful, that it will be a hard matter for posterity to believe it. How will they be able to persuade themselves, that a nation whose wealth might with great reason be supposed to be exhausted after they had contended so many years with such a mighty enemy, should be capable of furnishing such a vast supply in four days? Yet this wise parliament had so much skill in touching the springs of the people's affection, that notwithstanding all the losses they had suffered, and all the expence they had been at, they were prevailed with to advance this great supply with such incredible expedition. And by this means the parliament, only by doubling the duty on proceedings at law, and that on salt, raised a supply of two millions, which to have done by any other ways, was at that time a matter of the highest difficulty.

The parliament likewise this session applied themselves with great diligence to discover such offenders, who, by fraudulent and surreptitious ways, had carried on a secret commerce with France; and, to the great damage of this kingdom, had brought in for diverse years past great quantities of alamodes and lustrings. Many of these criminals they detected and punished: And to prevent the continuance of this clandestine and most prejudicial trade, and to encourage our own manufacture, they brought in a bill, which after past into an act, intitled, "An Act for the better Encouragement of the Royal Lustring Company, and the more effectual preventing the fraudulent Importation of Lustrings and Alamodes."

And for as much as many ill men continued to export English wool, &c. to foreign parts, to the unspeakable detriment of the nation, notwithstanding the severe laws that were in force against such offenders, the parliament, the more effectually to obviate that stubborn mischief for the future, made many prudent provisions, in an act intitled,

"An Act for the Explanation and better Execution of former Acts made against Transportation of Wool, Fuller's-earth, and Scouring-clay."

This session likewise, upon complaints made, that the woollen manufacture was carried on in Ireland, to the great prejudice of that staple trade in England, the parliament took care to stop the progress of that growing evil. They entered upon a bill for that purpose, but it terminated at last in an address to the king, "That his majesty would be pleased to use the most effectual means to discourage his subjects of Ireland from prosecuting the woollen, and encourage them to apply themselves to the linen manufacture in that kingdom, whereby they might carry on a gainful trade to themselves, without interfering with an interest of which his subjects in England were so very tender."

These were the principal transactions of these worthy patriots in their three sessions; and those who seriously reflect on the mighty difficulties which with unexampled resolution they encountered, and at last mastered, on the wise and effectual remedies which they applied to the sharpest and most obstinate distempers under which any nation ever languished, on their constancy and unwearied diligence, either in obviating new dangers, or removing fresh mischiefs that embroiled their affairs, with what vigour they plied the helm, and how steadily they steered on very treacherous and boisterous waters, how oft they rowed against wind and tide, and though often carried back by the violence of the current, or diverted by rapid turns or eddies of state, yet still returned with invincible courage, stemmed the tide, and forced their way, till at last, in spite of all opposition, they gained their intended port; those, I say, who impartially and seriously make these reflections, can't but entertain a great veneration of their ability and zeal for the publick good. If there be any man that does not yet admire, as he ought to do, the greatness of this parliament, let him but consider what an amazing undertaking it was to recoin all the silver money of the nation, when it was ready to sink under the weight of a long expensive war; which attempt was so hazardous, that the enemy was made to believe it would certainly be fatal to us, and under that confidence was persuaded to continue the war, as they made peace when that presumption was disappointed. Let him consider what a task it was to recover the lost credit of the nation, both public and private, in those low circumstances to which we were then reduced. Let him consider how great a work it was to raise, or rather to make money for the public service, which required extraordinary supplies, when there was very little money in being. Let him consider this well, and he will take righter measures of the wisdom of this great assembly. These were the works of refined understanding, of the most extensive capacity and inflexible perseverance; and these were the works of this parliament; a parliament that had the honour to be hated and reviled as much as any ever was by the enemies of our government; which is a convincing proof that they took the best measures in the world for the preservation of it; for had they betrayed it, these gentlemen would have thanked them for it; had they, out of supineness or ignorance, run it a-ground, our enemies perhaps might have derided their weakness and unskilfulness, but they could never have expressed so much choler and resentment. The slanders therefore and invectives of these men, who heartily wished the ruin of our establishment, is an honourable and lasting encomium on the proceedings of this assembly; and as the adherents of the late king openly declared their anger and enmity against the last parliament, so 'tis not to be doubted but that all the friends of the government, that is, every true Englishman, has, on the other hand as great affection and reverence for their memory.

Cursory Remarks upon some late Disloyal Proceedings, in several Cabals, composed of an Intermixture of Interests. 1699.

This is termed, by Ralph, " a reviling declamatory pamphlet," the object of which was to expose the majority of the House of Commons in 1699 and 1700, who, composed of various interests, were only uniform in their opposition to the measures of King William, and their anxiety to effect a change of measures and administration.

The pamphlet did not remain without an answer, of which Mr Ralph has preserved the following specimen : " Those affected by this representation, set forth, in their turn, a counter paquet, called, ' A just Rebuke of a late unmannerly Libel in Defence of the Court, entituled,' &c. In the introduction of which, they tell the world, ' That, in the beginning of the war, the author of the former had writ himself into a coach and a post of 300l. a-year; that the peace being like to determine that reward, he was angling for another by the successful methods of flattering the court, and abusing true Englishmen under the name of Pseudo-Patriots,' &c. Towards the middle of the piece, we also find the following remarkable passage :

" In page 22, he raves against an intermixture of interests against the government, as if he were distracted and had mistaken his hypothesis; for what he employs as arguments in behalf of the ministry, is totally against them ; a single interest might be corrupted or biassed by false principles, but where all interests agree and speak the same things, of necessity they must be true, and the persons accused must be guilty. In such a case, the general voice of the people must be esteemed as the voice of God; nor is bringing the king in as a party, or setting up an intermixture of interests, as enemies to his majesty, any excuse for the mismanagements and abuses committed by his ministers; for many a good master may have ill servants, and 'tis the king's misfortune to have too many who have such tricks in keeping complaints from his ears, and representing the persons grieved as enemies to his royalty, that 'tis almost impossible for any complaints to reach him but under such prejudices as utterly to destroy the importance and weight of the matter complained of; and, by these nefarious arts and shifts, the ministry maintain their own reputations with the king, and stifle all complaints against them, which, if his majesty was acquainted with, he would no more keep such men about him as stifle a snake in his bosom. We are now under a distemper that was never heard of before in England ; all for the king, and none for his ministers; and it will be the wonder of the age to come, as it is the torment of this, to see ourselves ruined by a few men that have no interest or party in the nation; of whom a pleasant gentleman said the other day, that one wherry would carry away all the king's friends in the ministry, if they were separated from their employments.

" And the conclusion is in these words : ' Ambition, envy, pride, and vanity, which the mercenary complains of among malcontents and place-mongers, are the epidemical diseases of the court; and he should first have attempted upon the irregular constitution of his patrons, before he had posted up his bills for the cure of other people, of the real fears and jealousies that an extravagant management hath brought us under. How like children they treat us! And, as if the foolishest of angry old women had been their teachers, they beat us till we are forced to complain, beat us for complaining, and then stop our mouths, that their injuries and their injustice might be concealed from such as would pity and relieve us; they call us ambitious because we desire they should be honest; envious, because we desire abuses should be rectified; proud, because we can't lye still when we are trampled upon; and vain, because we can't fall in love with slavery, and become vassals to a set of as vain, proud, envious and ambitious self-conceited mimicks as England ever produced, or honest men were plagued with.'

" Sending home the Dutch guards he calls an act of heinous ingratitude, and dishonourable to the nation, and seems to be in a peck of fears lest we should have occasion for their assistance and

be denied it. But what logicke will make it ingratitude, I can't imagine; for if I employ men to do a job of work, and pay 'em when they have done, no further obligation lyes upon me. Soldiery is now become a trade, and the state employing them as mercenary journeymen for a week, a year, or longer, may discharge those stipendiaries when they have no further occasion for their services; which our remarker, and the rest of his arbitrary upholders, may take for their answer, unless they will have it in the measure of a late English poet:

"'Tis true we've sent away the Dutch,
Those mighty sons of slaughter;
And England ought to wish all such
As at their marching off think much
Were forced to follow after.
The Hogan troops, dishonoured thus,
As your invective shews it,
In sorry rags, without a sous,
Came to relieve themselves, not us,
And all the kingdom knows it.

"Nor, if an invasion should happen, is there so much danger to be apprehended; for as Englishmen know the benefit of their liberties, so will they venture as freely for them, especially when what they defend is not only their own, but the just rights of all mankind, and will preserve their posterity from being puppy dogs, when they follow the eternal council of God, as Zuinglius calls it. If thou may'st be free, chuse it rather, and seek only to continue his servants and their own men; this entitles them to a higher assistance; for *omnibus honestam libertatem quærentibus*; and, which is better, *propugnantibus Deus præsto est.* And God himself will own such a cause as this."—RALPH, II. 845.

The Contents.

A PREMONITION against causeless fears, by shewing the great things the king and the government have done for England, and the ungrateful returns his majesty has encountered from a mixture of various interests, assembled at several cabals, composed of Old Jacobites, republicans, false friends, new converts, placemongers, envious and ambitious murmurers, seditious clubbers and writers, who are continually undermining royal authority, reviling the public ministry, and raising causeless jealousies and suspicions to amuse the people, and advance themselves into the supremacy, by false notions in government, which are examined and refuted; their suspicions proved false and groundless; their designs plainly discovered, in contributing toward the disbanding the whole army, sending away the Dutch guards, secluding members of parliament, &c., and the ways and means by which they promote discontents, are detected, &c.

The Preface to the Reader.

'Tis notoriously known, to the grief of good subjects, and the shame of bad ones, that the king's majesty, at several cabals, has been treated with less honour and respect than is due to his illustrious merits, and glorious atchievements, or that becomes a people whose vast obligations to him should have better instructed them in their duty.

But since scandals will arise, to prevent the woes that attend the inventors and promoters of them, I have essayed to put a stop to their currency, by endeavouring to reclaim the traducers and disabuse the people, who are imposed upon by false sugges-

tions, and attempted to be frighted out of their allegiance with feigned fears and dangers.

This being a kind office to all, none can be displeased at the undertaking. For though I shew how the nation is abused by misrepresentations of men and things, I name not the persons, and if any are so fond of discovering themselves, by being concerned at general reflections, and say, there the author means us, I cannot help it, they are in the right, and I can only say, What made them there? they know themselves, and I my own meaning, which I take to be so plainly expressed, that no Englishman can doubt of it, or think I have usurped a province I had no commission for.

If men will do things they are unwilling to hear of, and raise spectrums they are afraid to see, the fault's their own. They that make the clamour must not blame the echo, nor they that raise evil spirits be angry at him that lays them.

Some men have taken the freedom publickly to affront, scandalize, and abuse authority, and if others have not the privilege of vindicating injured innocency and integrity, and of throwing the calumnies on the heads of the aggressors, the case is very hard, and admits of greater aggravations, by reason their cause is juster; for if such a course must carry it, the liberty we have so long contended for is all a chimera, whilst every man hath not an equal share in it. And, therefore, since it can't be supposed that any law of honour, conscience, or of the nation, can be violated by an honest design of continuing a right understanding, and a mutual agreement between the royal head and loyal members, by removing the cause of dissention, I shall not be in pain about the contents of the ensuing pages.

Cursory Remarks upon some late Disloyal Proceedings, &c.

The affairs of this sublunary world carry a resemblance with those of the air; for, as in those celestial regions, there is sometimes a sweet and harmonious concord, and serenity through the whole hemisphere, and at other times the face of heaven is overcast with frowns, fogs, and exhalations, which hover a while in the air, and at length break into dreadful fulgurations, and raise a kind of war in the elementary world; so it is in this inferior orb, which is peopled with men compounded of the elements; sometimes we have gentle calms of peace and tranquillity, and other times nothing but wars, seditions, heats, and animosities, which, like the plague, infect our conversations, disturb the body politick, and put all things out of order.

And as the commotions in the sky are ingendered of fogs and mists drawn out of fenny and diseased commons, and are usually foreshewn by rolling clouds, and the malevolent conjunctions of erratick stars, so the troubles of the world in general, and of England in particular, take their birth and nourishment from ill humours that possess ambitious minds, and indigent and malcontented men, who aspire without desert, rail without reason, and would put the kingdom into a flame, to warm themselves by the heat on't; or, by dispersing their causeless fears and jealousies through the nation, design to divide and destroy it.

We are fallen into those dregs of time, wherein atheism and irreligion, sedition and debauchery, seem to divide the world between them; wherein true and unaffected piety is out of countenance; wherein all the sacred ties to our sovereign are as loose as our manners; and in which that generous honesty, and religious loyalty, which was once the glory and character of our nation, is vanished into disobedience and contempt of our superiors; for, among all the vicious and impertinent humours of the age, as none are more common, so none are more equally lamentable, dangerous, and ridiculous, than aspersing things venerable and sacred, and speaking evil of illustrious persons; and yet that is now improved to such a wicked height, that he is accounted the

wittiest man and staunchest member of his party, that dares calumniate loudest, or else has the peculiar knack in wounding authority with sly, oblique, and ominous suggestions, that can stab and look another way, as if they were wholly innocent, and unconcerned in the mischiefs that are only of their own contriving.

Now, were these mean and scandalous practices to be found only among a few, from whose weak and crazy heads better morals could not be expected, like a slight scratch in the body, it might be cured by neglecting and contemning it; but since the disease is grown epidemical, and has intruded into topping societies, 'tis time to put a stop to the gangrene before the whole body of the people are infected, and grow sick of their prosperity. Next our duty towards God, it greatly concerns our peace and happiness to uphold our loyalty to God's anointed, and our obedience to his government, for our peace and safety being wrapt up in the welfare of the king, and the prosperity of his laws, 'tis our wisdom and interest to be true to both, and bear a justifiable abhorrence to all seditious members in the kingdom, who would weaken the head to fortify the body, and would persuade us, that to traduce and expose his majesty is the way to make his reign and our lives happy, and that the diminution of his regal power and prerogatives, is the way to support his grandeur, and make the three kingdoms happy.

These are the abominable fallacies, which some seditious members of our body politick are putting upon the fickle and injudicious populace, with design to abase the monarch's legal power, and lodge it in themselves; and therefore 'tis every honest man's concern to oppose these wicked antimonarchial principles and practices, and to convince men by the truth and reason of the thing, that the way to be happy ourselves, is first to make the king so; and that to obey him humbly, to honour him conscientiously, and to love him affectionately and heartily, is both our duty and advantage; whereas, to cast off that reverence that he has a just right to, to misconstrue his actions, to traduce his counsels, to suspect his integrity, and, if it were possible, to render him cheap and insignificant, which is the course that is now taking by our pseudo-patriots, is to tear our peace, our government, and all to pieces, without the help of a foreign enemy.

Sure England is the unhappiest island in the world, that can ne'er be prosperous and peaceable, fortunate and loyal, safe and contented, at the same time. For no sooner are we on the borders of a happy settlement, but ill accidents, or malicious inventions, intervene to cross and disturb it. No sooner are we in possession of a long-desired peace, but some seditious chimeras, nick-named the publick good, or some cunningly staged fears and jealousies, suspicions, and feigned dangers, (which, if duly examined, are nothing but the results of a spirit of contradiction, and disobedience to monarchial authority) throws us into such violent concussions and preternatural heart-burnings, that the nation, like a distracted body, is laying hands upon itself, and contributing more to its ruin, by its own heats and divisions, than the swords of our enemies could effect.

Detestable jealousy and suspicion! How dismal are thy products! How destructive to Christian charity! How pernicious to human societies! that no bond is so strong, no tie so sacred, no deliverance so obliging, but this deluding enchantress is able to dissolve them.

What shall we say? Sure some strange fatality, some unusual, unheard-of giddiness has seized and infatuated some members of the kingdom, that they should take pleasure in affronting their king and deliverer, and out of an innate aversion to monarchy, refuse to do themselves and their country right, for no other reason but because they thought the king desired it. Is not this to retort his signal favours with indignities, to requite his love with jealousies, and to sting him with our tongues, while he is warming us in his bosom?

Did he not deliver us from tyranny and oppression? Has he not fought our battles and procured us peace and plenty? These favours, one would think, had been enough to oblige a people of any ingenuity, and for ever endeared a prince to us who snatched us from the brink of ruin, and, with the hazard of his own life, preserved ours, and the kingdom.

Sure, though we are unable to requite him, we ought not to injure him in his honour, by base surmises and unwarrantable suspicions, and instead of treating him with the highest epithets of royalty, scarce afford him the civil usage of a gentleman. Certainly this is ingratitude in the abstract, and wants a name bad enough to signify its baseness; and that it may yet appear more black, and fright the seditious from repeating their crimes, by shewing them a monster of their own begetting, let us look a little backward, and trace it to its original.

Our late inability to extricate ourselves and our laws from a threatened slavery and vassalage to a home-bred and foreign tyranny, and to defend our liberties and properties from the insults and depredations of our own countrymen and strangers, made it absolutely necessary for us to resign our power into the hands of the Prince of Orange, now our gracious king, who wrought such a deliverance for the nation as ought never to be forgotten, and can never be sufficiently requited; if we consider both the matter, which was great, and the manner, which was kind, and both extraordinary, and which will be mentioned with honour by men of sense, so long as the protestant name shall be remembered.

His majesty came not, as the ancient Romans and Saxons, to conquer and lead in triumph after him our religion and laws, our lives and liberties, but to defend, preserve, and secure us in them all.

For this end alone he undertook that dangerous and chargeable expedition, which has proved as much to our advantage as it will be to his majesty's lasting reputation.

What he has done, argues that he was moved by a higher principle than any this world can afford, in overlooking his own ease and security, when the publick good and the concerns of Christianity called for his seasonable assistance.

And here I could easily make a panegyric upon his virtues, and equal him to the most famous Grecian and Roman generals; but I need not set forth his praises, which do so loudly speak for themselves; nor draw any tedious parallels betwixt his majesty and the celebrated heroes of former ages, since I am herein prevented by all who have read the history of former times, and are ocular witnesses of what his princely goodness, with so much courage, mildness, and prudence hath done in this; for things succeeded so well under his conduct, that we all submitted ourselves to his wise direction, and put ourselves under his gracious protection, as the tutelar genius of the nation: And the effects of his enterprize were so strange, so wonderful and surprising, that had we not seen, we should scarce have believed them, which makes the wonder greater that we should so easily forget them.

As soon as his majesty landed, with what joy and universal good wishes was the news received? How forward were all sorts of people to declare for his highness? How willing were they to lend him a helping hand for accomplishing his great work? How did we all generally concur and unanimously agree, to forget our obligation to the late king, and assist his present majesty, rather than James the Second, against ourselves and his own interest?

Nay, the army itself, that now some scurrilous and trifling pens have loaded with opprobrious names, and stigmatized with base and ungenerous reflections, for doing the best piece of service that ever was done for England, went over to him, chusing rather to lie under the imputation of cowardice and disloyalty (which yet true Englishmen had rather die than really deserve), than to be instrumental in enslaving their native country, and bringing it again under the yoke of popery and slavery.

In short, all orders of men, ecclesiastical, civil, and military, had their eyes fixed upon his present majesty, as their great deliverer, were resolved to espouse his cause; and accordingly, when the late king had withdrawn himself, first, put the regal administration into his hands, and soon after, by a universal consent, set the imperial diadem upon his head, where may it flourish for many, many years.

Now, who that ever heard the doleful sighs and lamentations of English protestants, when their religion was in danger of being lost, and popery, idolatry, and superstition was setting up as the national mode of worship, could ever imagine that the English could so soon and so ungratefully forget the benefit of restoring their religion, or make any indecent returns to King William, that accomplished it?

Who that ever knew, how in the late reign our laws were suspended, our properties seized, our rights and liberties invaded, and protestants insulted by furious papists, could ever think to see the day, that any English protestant could requite good with evil, and industriously slander the footsteps of the Lord's anointed, that healed our breaches, and restored us to liberty?

Who that has ever heard, or read, the humble remonstrance and request of a considerable part of the English clergy, nobility, gentry, and commons, to King William (when in Holland) to come over and help them; the promises they made of standing by him with their lives and fortunes, and how chearfully that great prince undertook, and almost miraculously accomplished, our deliverance, could believe that the same prince should from the same people receive a less dutiful and glorious return, than the noble enterprize deserved?

Who that has ever heard, how unanimously and freely the representatives of the nation, in the convention at Westminster, offered his highness and his princess the crown; how they rejoiced at their acceptance of it, and with what extraordinary solemnity and satisfaction they were proclaimed and crowned King and Queen of England, could ever think of seeing any thing that should look like a diminution of his royal authority, or suspect his kindness and good intentions to a nation that he had obliged beyond expression?

Who could think, that after acts of settlement, recognition of the king's right, association for his safety, and settling a fund for the war, and a maintenance of his royalty, that a sullen, froward, and seditious sort of people should rise up among us, of all qualities, but of no religion, or moral prudence, to beget a misunderstanding betwixt this glorious king and these loyal people, whose mutual concord and agreement is the safety of the kingdom, and the terror of its enemies.

However, a few such there were, even in that very parliament, that had given such ample demonstrations of their love and loyalty. For the nation having then a war upon its hands (for the maintenance of our new settlement) with a potent monarch, that protected the person and espoused the quarrel of the late abdicated king; and that great supplies were absolutely necessary, to enable his majesty to sustain the force of a kingdom, which by their own wise administration, and the supineness of England in the late inglorious reigns, was now grown so potent, that it required a longer sword to resist, than heretofore to conquer it, and in which his majesty, without flattery, has acquired more honour by checking and controuling the power of France, than any of his great predecessors did by subduing it; the parliaments were obliged to lay great taxes upon the people, and the nation being not insensible of the burden, the malcontented Jacobites, who were always more cunning in embroiling our affairs, than in advancing their own, took the advantage of it, and in all companies declared, that the government must of necessity sink under its own weight, and that our heavy taxes, by reducing us to extreme poverty, would inevitably prove our destruction; and never ceased declaiming on this popular subject, and galling the people in their tender part, in hopes to make them weary of a government which was represented so

burthensome, and to persuade them rather to let in the deluge, than be at the expence of maintaining the banks.

Besides this party that were for King James, there were others that were for no king at all, a sort of republicans of the old stamp, that are for subverting monarchy itself, to set up an idol, they know not what, in the room on't; and care not what becomes of king and parliament, and kingdom too, so they can gratify their own pride and peevishness, and advance the Dagon of a commonwealth; which is so inconsistent with the humour, nature, interest, and constitution of the English people and government, that they might as well attempt to stem the tide, or reconcile disagreeing elements, as think either to court or force them to submit to such a form; yet however unlikely it was to expect the people's compliance, they use their utmost endeavour to promote it, and to this end Mr Harrington's commonwealth of Oceana, and all Mr Milton's anti-monarchical treatises, and that too which justifies the murder of Charles I. and many discourses of other authors, as Ludlow's Letters, and Mr Sidney's Discourse of Government, all on the same subject, and tending to promote the design of lessening and reproaching monarchy, are reprinted, which, in their ends and designs, as well as their authors, are no less enemies to the government, their king and country, than the former; and assist in carrying on discontents and divisions among us, being such an odd sort of men, and so averse to all kings, that if God should send them one from heaven, they'd never like him two days together; nay, if they were in heaven themselves, 'tis to be feared they'd be turned out again, for attempting against the monarchical power of God Almighty. These, I say, are some of the troubles of our Israel, and are no less busy in traducing the king, than the rankest Jacobites in England, and greedily swallow down any defamation upon the court, to disgorge it with a greater mixture of malice and slander at their next republican association. And though they are both in extremes, and as opposite to the Jacobites in their principles, as they are to peace and loyalty, yet they both agree in opinion and practice against King William and his government, and take the same methods of lying and slandering, and raising fears and jealousies to weaken and destroy it.

The Jacobites said we should never have peace till James II. was restored; and the republicans said we should never be able to cope with our enemies, but must sink under them, if we did not put ourselves under the regiment of a commonwealth, and crown our sovereign lord The People. These contradictory notions were both supported by their pamphleteers without doors, and their crafty and dissembling ambodexters within, who, by asserting the war was like to be eternal, and the nation's ruin irretrievable, were tearing the bowels of our common mother, and plunging us into new confusions, by the united endeavours of those that were for a popish arbitrary king, and those that were for no king at all.

But the never-to-be-forgotten goodness of God, and the great wisdom, invincible courage, and inflexible resolution of his majesty, having, to the great mortification of the enemies of the king and kingdom, the entire satisfaction of the true friends of both, and the admiration of all men, concluded the war with France, and brought home an honourable peace, it confuted all their ominous predictions, silenced their clamours, shamed their intrigues, and confounded all the pretended dangers raised by our enemies. And now one would think we had nothing to do, but to return our due thanks to God and the king, make our gratitude and obedience as conspicuous as the benefit was extraordinary; to pay our debts, reward our friends, forgive our enemies, and, under our own vines and fig-trees, solace ourselves in a happy peace, and live in unity and amity, and in peace and concord among ourselves.

These were the things most desired, best becoming professors of Christianity, suitable to our obligations, and ought to have been the endeavours of all, in their several stations. But, alas! to shew there is nothing completely happy on this side heaven,

how have we frustrated the designs of God Almighty, whose goodness and long-suffering should have led us to repentance, by continuing in our impieties? How ill and ungratefully have we treated his majesty, who, as the royal instrument in the hand of God, has procured us this, and many other inestimable blessings? And how have we injured the whole community, by dividing into parties and factions, and worrying one another by intestine seditions? For,

No sooner was there a dissolution of the former parliament, and a fresh one convened, but new murmurers, under the names of old friend (though in truth but a compound of the other two), started up amongst us to trouble our affairs; who, though great assertors of the late Revolution, seemed inclinable enough to a second, if their private sentiments may be collected from their public discourses; for, from I know not what private disgusts, and personal quarrels and disappointments, they are grown sour and uneasy, and, to express their resentments, in all conversations endeavour to bring our administration into contempt; to clog the wheels of the government that it move slowly, or not at all; and, in short, are against all things which our known and open enemies are against, and for all things which they are for, and, let the consequences be as mischievous as they will, they think the more the better; and by these and other clandestine popular arts, recommend themselves to their country as great patriots, for no other reason but that they would starve, or bind up the hands of the government, that it should not be able to support and defend itself. The proceedings against these men, whether in their own houses or at clubs, are of all others the most absurd and unaccountable, and the opposition they make against the government seems to be the effect of some strange infatuation. For though it should be allowed, as it is a standing maxim among them, that the character of a patriot, without distinction of times or persons, is to be always, in all causes whatsoever, against the court; yet they cannot be insensible, that the face of affairs is so altered by the late happy Revolution, that the interest of their country is the same with that of the court. However, though this was a government of their own chusing, approving, and settling, which methinks should weigh much with all considering men, that would not be thought guilty of levity, novelty, and inconstancy, yet the witchcraft of parity, envy, and ambition, gives them such a satisfaction in crossing the king, thwarting the court, and by those arts rendering themselves popular, that 'tis the business of their lives to make the king and his ministers uneasy, and, if it were to be done, despicable in the eyes of the people. Now,

Were these mischiefs done by the open and professed enemies of the king and government, the crime would be more tolerable; or were they hatched by the little animals that frequent seditious coffee-houses, it would be more pardonable, because their tongues are no slander; but to see and hear it done by our pretended friends, men of quality and figure, that are in eminent posts in the kingdom, that have a hand in public affairs, is able to chill and stagger every sense about one! And what can these scandalous practices be ascribed to, but a deep-dyed dissimulation and hypocrisy? When we see men court and cringe at Kensington, and rail at Westminster; hug and embrace a minister in the painted-chamber, and cut his throat in the chapel; give a courtier the smoothest words to his face, and hang him behind his back, what can one think, but that they were tainted in their original, and are so in love with anarchy, that they hate the king and all that belong to him? And let them pretend what they please, from this principle you can never court nor drive them, for the Moor was born black, and will continue so, in despite of all the soap in the kingdom. The snakes will be hissing and threatening, and if you should cram them with all they can wish, or you can give, they will never lose their natures; and of these there are two sorts, and both worth the knowing, that you may avoid them.

First, the loud and open talkers; and, secondly, the private seditious whisperers. The

first need no particular description, for the noise they make, and the hazard they run of forfeiting their understandings, to gratify their ill nature and humour their faction, is the best denomination of them. These, though always declaiming against the government, do less harm than the other; for all their invectives against the king and court being usually carried as far above truth as beyond the bounds of decency, they are not like to succeed in their designs, unless when they assume a power of talking away their king's right, they could take away the people's reason also; which can never be done by men whose understandings are warped with their interests, and are not historians of public actions, but lawyers of a party; for, grounding all they say upon idle tales, reports, and hearsays, they prove nothing but their want of breeding and better arguments, and their calumnies, when driven home, will recoil upon their own heads; for they that charge others with crimes they cannot justify, indict and convict themselves of falsity.

The private whisperers are commonly men of a superior quality, such as are ashamed to own their practices openly, and therefore, like gunpowder in a vault, do incomparably the more mischief for being stifled: For though they take pleasure to be always finding fault, ever complaining and murmuring, and censuring the wisest councils and the uprightest conduct, yet they still sculk behind the curtain, and look as demure and harmless as if they had no concealed sting, nor no gall was mixed in their creation, when they are the greatest enemies to the king and government in the world. For though they do not speak directly, and in terms against his majesty, yet they vent such base reflections and unmannerly insinuations against him, under double and ambiguous meanings, as poison the ears of their admirers, and prepare their tongues to use a greater liberty. 'Tis from such pernicious precedents of scandalous babbling and idle whispering against authority, that the lewdness of the tongue becomes so epidemical in the nation, and that the common people, first corrupted by ill principles, and then influenced by the example of factious great ones, are grown to such excesses in their pragmatical censuring the actions of their superiors as is unsufferable to the loyal and sober part of mankind, dangerous to the state, and pleasing to none but seditious incendiaries, who play the body against the head with design to destroy the whole.

What a strange liberty is taken in this licentious age, when every private person that thinks he has half a dram of brains about him, shall arraign the actions of their superiors! What is this, but blasting the choicest flowers of the crown, and shrinking the imperial dignity of our English monarch into a doge of Venice? For he is but a titular and no real king, whose sovereignty and prerogative royal is liable to the popular scannings and infractions of every proud and peevish subject. There is no tyranny to be compared to the tyranny of a seditious multitude; and the condition of our English kings is very little mended by those that free them from the pope's supremacy *in ordine ad bonum spirituale*, and subject them to the people, *in ordine ad bonum publicum*: For if general assemblies for making laws have but the power of advising the king, 'tis the highest insolence in private persons to censure and misrepresent him. Are the king's prerogatives and sovereignty the only rights that may be invaded and scandalously tossed from mouth to mouth, as if the king that owns them were not sacred, and exempted from such impertinent discourses? Sure the world is turned topsy-turvy, and men's understanding grow downward, or they could never think the multitude are invested with the highest price of regality, viz. judging of the public good, and controuling all, whose incapacity, levity, and ignorance renders them unfit for any thing of this nature. Therefore, if any such are found, that, by usurping upon the king's sovereignty, would plead for such a privilege of the subject, the cockatrice ought to be crushed in the egg, their tongues should be tied as well as their hands; nay, the very

boiling of their thoughts, when they rise so high, should be scummed and suppressed, or all will run into the fire of contention.

Though, after all, I cannot be so injurious to the generality of his majesty's people, as to think they aim at any thing above the sphere of dutiful subjects; for their zeal and forwardness to venture their lives in his majesty's service, is a manifest contradiction of such a calumny, and a convincing evidence of their constant loyalty and fidelity; and my only design in exposing the principle was to shew, that kinging the multitude is only a trick to weaken the monarchy, and is employed as a blind (by some that in the course of affairs are come to have a share in great actions) to amuse the nation with this popular and taking theme, while they are laying a foundation for their own arbitrary ends and uncontroulable authority.

Having therefore acquainted my reader, that the government had three sorts of enemies, Jacobites, republicans, and discontented murmurers, which, under the mask of friendship, were great underminers of the government, it is now my business to shew, that, according to an old-laid scheme of the Jacobites to destroy the government, to the three factions already named are added another set of enemies, more dangerous than all the rest, to effect it, which, to distinguish from the former, I call the mixture, new converts, or seditious interpositors, whose designs having been the work of great thoughts and long time; and now as the last game is beginning to be plaid among us.

I know it will displease the republicans to be coupled with the Jacobites; our malcontented murmuring pretended friends to be joined with the other two; and our new converts to be linked with them all: however, in the cause of my king and country, that are harassed and sawn by this unhappy mixture of various interests, combined against them, which, like beasts of different species and sexes shut up together, forget their natural enmity to satisfy their common lusts, and care not what kind of monsters are produced betwixt them so their brutal appetites are but gratified: I shall not value what they can say or do against me; for as it is a symptom of an ill cause when it can't bear examining, and that none are so much concerned at reflections as those that cause them, so an honest design of endeavouring the peace of the nation, as it don't deserve, so it will not stand in fear of any man's displeasure; and therefore I shall proceed to shew, that the farce now acting is but an interlude revived; that the actors, under what disguise or dress soever they appear, are but tools in the hands of the Jacobites, and while they satirize the monarchy and public management, are but compounding with the court at St Germains, and retrieving and advancing the designs of the frustrated faction.

It was a smart reply of a great man, when acquainted with the danger that might arise from the great number of men crowded into both houses, that were in the interest of King James, he said, "There was equal danger from his false friends, and from them that were for no king at all." And though this single observation has weight enough in it to preponderate any objection that can be made against it, I hope it will not be taken ill to prove by matter of fact, that the supposition of there being such a conjunction was not groundless, and consequently that the reflection was a wise and prudent reprehension, of confining the whole danger to a single faction, when there were apparent instances that others were in the same unnatural confederacy.

Those gentlemen that served his majesty in the counsels and cabals of his enemies, know, and are able to prove, that the Jacobites had certain standing rules and methods to govern themselves by in all their attempts against his majesty's government, which were early communicated to his ministers, and daily observation has shewed, as they have been baffled in any one, the next has been taken up with equal heat and vigour as the former; and now three of their four projects encountering continued disappointments, the last, which gives us so much trouble, and if not prevented will give us more, is now upon the stage, and great are the expectations of our enemies from it.

The projects prescribed to the Jacobites, for the restoration of their old masters, were couched under these four heads.

First, To join with the republicans, and all the malcontented under every denomination. This failing, then

Secondly, To strengthen their party, by calling in a foreign power; and if that was unsuccessful, then,

Thirdly, To do the work at once, by assassinating his majesty's royal person, and in him the whole kingdom.

Fourthly, If all the former methods were rendered ineffectual, then they should all come in to the government, take the oaths, and set up for new converts. And this I call the mystery of iniquity that is now working.

The two first of these projects, for the destruction of the government, were a while kept with great secrecy, and practised with no less caution and fears of discovery; but as trees, when they have shot their roots deep in the earth, and have spread their branches wide in the air, every one may confidently affirm, they were of no very late planting; so, by a wonderful turn of Providence, the confederacy between the seditious of all names and factions with the Jacobites was fully discovered. Lawton, Ferguson, and Crosby, proper tools for such a work, were apprehended; and the Lord Preston's plot, wherein the original papers and letters of the conspirators declare there was a combination to subvert the government, to depose, if not murder, the king and queen, say, that this villainy was methodically agreed and concluded, at a select and formal conference[1] "between divers Lords and gentlemen, both whigs and tories."

The next contrivance of the Jacobites was, the professed murder of the king, and the invasion of the kingdom; but Heaven detected the conspiracy, and the barbarity of the action has so branded the whole party with the scorn, infamy, and hatred of all Englishmen, that they, being now ashamed to shew their faces as Jacobites, take sanctuary in their last project, which I told you was, "To submit to the government, to take the oaths of fidelity, and set up for converts, that, under shew of friendship and sincerity, they might gain an opportunity to herd with other seditious persons, and do more mischief by their seeming compliance, than they were able to effect by their professed and open enmity."

And here I beg not to be misconstrued, as if I grudged at any man's conversion to his duty, or thought it an injury to the state, to have love and service of the whole community, for it is what I heartily wish, and for some years have employed my pen for; but when I see men the same in principle and practice, since they became Williamites, as they were when distinguished from good subjects by the name of Jacobites, you will pardon me for suspecting the sincerity of their conversion, till they give over the trade of perverting their brethren, and exhibit more signal evidences of their virtue and loyalty, than yet they have done since they came among us.

The sacred oracles tell us, 'that by their works we may know men,' and then what can we think when we see the whole gang of enemies haunt the court for no other end but to ridicule and abuse it! Set up for patriots, by sowing the seeds of sedition! Get themselves to be elected members, that they may have the privilege of affronting their sovereign, saying that within doors what a modest man durst not think without! Contend for a popular omnipotency, and liberty to destroy all our franchises, and lessen the king's power to give more than is due to their own! What (I say) can we think of these proceedings, but that their coming among us is like water in a ship, not to succour, but to sink us; for such things have been acted in days of yore, and what has been done, may be done again, if an Almighty Providence does not prevent it.

That this is the design to be dreaded, appears as well by the greatness of their num-

[1] Vid. Mr Ashton's Trial.

bers, as the nature of their actions; for since the year when this commerce began, we have had a greater addition to our malcontents than from the beginning of the Revolution to that unhappy junction. And the trade of supplying every vacancy in the company with persons of the same character, increasing rather than abating, I wish surcharging the factory does not bankrupt the nation. That the confluence of our new seditious interpositors does not infect us with our old plagues, and that these upstart pseudo-patriots being added to the number of the old Jacobites, republicans, and murmurers we had before, it had not been better for us rather to have had their room than their company. For I fear if a man might look into some houses, he would see many such persons there, as would tempt him to ask the question in the gospel, "Friends, how, and for what end came you hither, not having on the wedding-garment of sincerity and loyalty?"

Men that are conversant in the policies of nations, tell us, that though 'tis fit and commendable that there be a reconciliation betwixt the king and his quondam enemies, yet they ought not, in respect of the government or themselves, to be admitted into places of trust, or the management of great affairs; because, in despite of fate, while men are men, there will such jealousies arise, as will clog the freedom and confidence that ought to be between them. On the behalf of the government, 'twill be objected, that too much credulity encourages an abuse, and trusting a reconciled enemy invites an injury; for history is very pregnant with examples of men that have had indemnity for one fault, and have been taken in another with their pardons in their pockets, before the ink was scarce dry upon the parchment, and therefore we ought not to confide where the experiment is so dangerous.

On the other part it will be said, that in common prudence, our seditious interpositors ought not to desire to be trusted, or intermeddle with the public, because men can never love, where they have given too great cause to fear, and will always distrust where they know they have injured beyond a possibility of reparation. For though the king, out of a principle of virtue and honour, may forgive, yet their guilt will not suffer them to believe he can, and that will hurry them upon obliterating their former crimes, by repeating new offences; both which being seriously considered, 'tis an argument, that those that thrust themselves into business, whom a previous disposition will not suffer to be just or hearty in it, they make themselves odious to their superiors, by their haughtiness, and a restless course of factious competitions, but never will or can do their king and country service.

But let these things be as they will in the theory, and, like general rules, be liable to particular exceptions, yet 'tis notorious, that since those that might not have what king they would, have joined with those that would have none, and since the name of Jacobites has walked under less offensive names, or has been obscured, by mixing in clubs and other meetings with the old enemies of the kingdom, there has been greater encroachments upon his majesty's prerogatives than ever was before. More defamatory speeches and prints against his government, more fears and jealousies created, more unjust suspicions raised, and less dutiful acknowledgments of the king's care and goodness to his people made at such assemblies, than the king has deserved, or becomes Englishmen in eminent stations to be guilty of.

How have these seditious members we are talking of embarrassed all our affairs, and put a stop to every good motion, by endeavouring to raise a misunderstanding betwixt the king and his people, and render him suspected at home, that, as the champion of Christendom, has merited and received the applauses, honour, and esteem of all the world abroad!

O abominable ingratitude, senseless deportment, and unpardonable retribution, to think that the king would be at such a vast expence, and hazard his life, to pull down the tyranny of King James, to set up a despotic power of his own! What reason is

there to bolt out such ugly suggestions, and hint such spiteful reflections against the king's person and government? Has his majesty given us any reason to suspect the continuance of his goodness, or that he will be less kind in preserving our rights and privileges, than he was in procuring them when they were almost lost, and settling them so by law, that it might be impossible for any to injure us for the future; no, but the men that in a literal sense would turn the world upside down, are come amongst us; influence counsels, preside in debates, and carry every thing before them, not by the force of their reasons, but by the strength of their numbers; not by the goodness of what they advance, but by the clamours of their faction, who, while they are setting up themselves, and carrying all things into ataxy and confusion, assume a supremacy and infallibility in all their determinations, and yet would cover all by saying they are his majesty's most dutiful and loyal subjects: But how will they reconcile their words with their actions, and printed pamphlets, is worth our examining, since all their notions and contrivances look with malevolent aspects upon monarchy itself, and from that original taint, and a design to promote themselves, raise undutiful suggestions against the king in being, who, without doubt, if he had deserved less love, they would have paid him more fear and reverence.

The doctrine of curbing and restraining the power of princes, when the administration is in good hands, though 'twas only calculated for the ruin of mankind, and pleases none but those who design, by such flagitious arts, to gain a power of doing that to others which they pretend to be afraid of from such as never intend it, yet it was always glossed with specious pretences; and this method is exactly followed by our seditious interpositors of the last edition, who always advance what may seem pleasing and popular, enough to wheedle men out of their allegiance, and that is, opposing the sovereignty of the prince, with an imaginary power in the people to controul and govern all things at their own discretion.

Which can be intended for nothing but mischief; for, as in the common practice of mankind, where any society of men usurp more than is their own, their neighbours will take greater care to confine them within their just limits; so when subjects are reaching after royal power by open affronts and unreasonable demands, they instruct the king to lay the faster hold, and more assiduously maintain the rights of the crown; for if causeless jealousies make people start from their obedience, self-preservation will also make him distrust, secure himself against unreasonable suspicions, and even compel him to exert his prerogative, when, in scandalous pamphlets and clubs, it begins to be disputed in whom it is invested, and these mutual suspicions will create endless contentions.

In a monarchial government, God's vicegerency ought not to be delegated to any other head than what is anointed, nor unaccountably scattered among the multitude; for as dividing a power which is only safe by being entire, derogates from the king's superiority, so it is destructive to the people's liberty, as it intoxicates them, and makes them stagger from one form of government to another, till their diversions, as a punishment of their fickleness, at last sinks them under an absolute monarchy. And therefore this pretence of exalting a popular power can have no other end but to create jealousies between the prince and his subjects; for as they cannot digest the false fears they are decoyed into, without undutiful resentments, so the prince cannot brook competitors in power and prerogative. Thus the seditious play the members against the mind, in order to the destruction of the whole body.

All reservations of an absolute power in the people, distinct and divided from the sovereign, does but nourish a continual ferment, support divers interests, fill the minds of the people with sedition, curiosity, and pride, and furnish envy and ambition with plausible disguise for their malice, and the exaltation of the factious that promote

them, as was evident among the Romans, where the unlimited power of the people was but an artifice to conciliate deluded subjects to the tyranny of the senate.

Blessed be God, we have a prince that neither does nor intends to infringe our privileges or deprive us of our rights, and therefore entertains no remote suspicions of his subjects, from whom he resolves to deserve none, and has given us all the legal securities a parliament could ask for our future peace and happiness. Why then should any sort of men deal so ill with him that has dealt so friendly by us? Why should any men, though but in clubs and coffee-houses, set up a power in opposition to his majesty's, that has never employed his power but to protect and defend us. And yet, God wot, we have such ill members among us that are offended at his goodness, surfeit on his favours, and are so heart-sick of England's prosperity, that they use all ways to disturb it! And though the king, being a prince of such incomparable clemency that he easily forgets and forgives the boldest injuries; and, to mollify their stubborn tempers by many indulgent concessions, has endeavoured to quiet their disordered minds even to the heights of their own wishes; yet nothing can prevail, but the more his majesty humours them, the more exorbitant they grow, and being case-hardened against all obligations of goodness and ingenuity, are still, in their several cabals, crossing his good intentions, misrepresenting his actions, and, upon every idle pique, discover their want of breeding, in making the former expressions of their gratitude the ground of their present ill treatment of him, and, in their savage rants, take shelter in that mismannered sarcasm, 'What! did not we make him king?' As if the thanks of their deliverance from tyranny and oppression, and giving what they could not keep, endowed them with a privilege of saying what come uppermost, and doing whatsoever they have a mind to, to promote sedition, in hopes at last the faction may grow too hard for the government.

Now, there is so little in this pretence to support what they would build upon it, that were it not to disabuse the people whose names they use against their wills, and to redeem their understandings from being captivated to such disingenious interpretations of an imaginary power residing in them, I should never have given the malice of seditious men the pleasure of taking notice of what they urge so impertinently and saucily; but for the end above said, I will engage this monster of ingratitude, and shew, though King William is the king of our choice, which, methinks, should endear him to us, yet he governs by a right superior to that of a popular election, unless you will exclude God Almighty from his prerogative in disposing crowns and kingdoms.

'Tis true, King William, like all other princes in the first ages of the world, came to the crown (without mentioning his right of blood) upon the single account of his merits, and the people's choice, but for any set of men to draw from thence a pretence to use him scurvily, and treat him as coarsely as if they were his equals or superiors, is absurd and ridiculous.

No community, whose consent establishes a monarch over them, can have power superior or equal to that which they have constituted, (provided he does not, as the late king and others did, convert his sovereignty into an arbitrary power of destruction, which, in our case, is not so much as pretended by the worst of his majesty's enemies) for they have transferred the power they had, by investing the king with the sovereignty by a legal establishment and recognition, and, after this, 'tis unreasonable and contradictory to assert they have it in themselves, unless they will make all solemn oaths and deliberate acts of no validity. If he be a king, he has the highest power, and all his subjects, in whatsoever sphere they move, are below him, whether single or collected. 'Though England's constitution be a mixed monarchy, 'tis a monarchy; and though the estates, in their proper and distinct orbs, are sharers in the government, yet this makes no equality of power with the king, for then the government could not be a monarchy, more than an aristocracy or democracy; and therefore wisely

has the constitution tempered this affair, to prevent contention and parity, in investing the monarch with a sovereignty so discreetly qualified, as he may not destroy the mixture, nor the people with such a power as might render the monarchy titular and precarious, but that their just measures of distance and duty might preserve the body politic in health, peace, and vigour. Hence it is that the king is called our liege, that is, our lawful sovereign, and we his liege, that is, his lawful subjects, and, as such, can have no claim above it.

But that which puts an end to this saucy taunt and consequence of opposing the power of the people to the king's supremacy, because their consent was necessary to his royal installation, is what St Paul urges as the principal motive to obedience, viz. that the *Apex Potestatis*, the power of governing regularly employed, is of divine institution, the ordinance of God, not only as permitted by his providence, but as appointed by his will: That the eternal is the sovereign proprietor of kingdoms, and though he make use of men to settle them, according to the method his providence directs, yet the act is God's, and the king's authority is from him, by a superior character, than what the populace can pretend to. So though the estates of the nation did confer the sovereignty on King William, they were but the instruments and agents, for the power and right of transferring kingdoms from one king to another, as from Saul to David, or from James the Second to King William the Third, comes from God, who is judge in these superior causes, and puts down one king, and sets up another, and has such an interest in disposing power, that none must pretend to but himself. And though men may chuse the person, his power is derived from God, more peculiarly than from the giddy multitude, for by him kings reign and princes decree justice.

And this is more particularly King William's case, than we shall commonly meet withal in history. For though King William delivering the nation from popery and slavery, the people were just, and gave him what he earned; yet it was the power and goodness of God Almighty in enabling him to do the work which deserved a crown, that pointed him out to the reward, and as it were adorned his head with a glory, and marked him out with such an illustrious character of merit to the people, that they could not miss him in their choice; but must take him as the king already chose by God, by such providential occurrences, that in common gratitude to his majesty, or their own future safety, they could not overlook him; and now ought to respect and honour him as sincerely, as if an immediate voice from heaven had placed him in the vacant throne, and said, this is my vicegerent. His power therefore seems to be the express designation of God Almighty, and ought not to be sullied by any attribute below that original, but owned and revered as a participation of the divine sovereignty, as was intended by God, when he first for the good of mankind put them under government; which being the doctrine of the Bible, destroys all inferior competitions, and stops the mouth of clamorous and saucy upbraiders; unless they will set up for atheists as well as anarchists, and by forestalling us from fearing God, and honouring the king, by abusing words, significant in their meaning, would neither leave us a God to fear, nor a king to honour.

Another source of our discontents and ill treatments of his majesty, ariseth from a scandalous custom of censuring the actions of our prince, keeping up calumnies against the court, and misrepresenting the government, as if it were in confederacy to destroy the liberties and privileges of the subject; which Englishmen are always so tenacious of, that they too greedily imbibe such false reports, without examining from what sort of men they come, or their design in publishing them; which if they would give themselves leisure to scrutinize, they would soon discover it was but the artifice of designing seditious meddlers, to kindle jealousies, and inflame the unthinking crowd into ill words, impatience, and distemper, and set them a-lingering after more liberty than they know how to use, to make way for tumults and insurrections.

Public good and the liberty of the subjects are two excellent words, when they are honestly used, and peaceably intended; but are tender points, and cautiously to be insisted on, lest seditious men make use of it to taint their allegiance. And that this is the design now on foot, will appear by taking a view of the liberty that is contending for, by the mixture of various interests against the government; and it will soon appear, not to be a freedom from arbitrary impositions, illegal exactions, and other ill effects of a despotic power; for these things are not pretended, no, but it is a seditious belluine liberty of saying, and doing what they please, that is struggling for. Not the liberty that our forefathers fought for, that was bounded by the laws of order, and public good, but a liberty of contention, a liberty of publishing malicious suggestions, and false representations of things, that may be serviceable to the faction! A liberty to affront the king, to encroach upon his prerogative, to lessen his power, and subject the rights of his sovereignty, to the caprichios of every angry intruder into public societies, and a liberty of improving and practising upon fears and possibilities, till they have brought us in vassalage to themselves; whose hot and fiery spirits, acting upon false suggestions, can have no other design but to amuse and confound us; and therefore the best way to shield ourselves from the danger and delusion, is to judge of the designs by the men that promote them; for all the arts employed by our known enemies, though never so artificially disguised, under the specious terms of good offices to the public, they are but the sly impositions of cunning knaves upon credulous fools, to advance their own party: And for that reason, when we see ill men take up a fit of kindness for their country, and appear better natured than consists with their principles and avowed interests, it is time to suspect a fraud, and weigh their words with their practices, before we trust them further than consists with our safety; for the men and their designs can never be parted.

Liberty is the greatest glory of the people; yet if it be not bounded by the laws of reason and discretion, it is the greatest make-hate in the world, and tends directly to the ruin of every community, by the known rule, that the best things corrupted, become the worst. Liberty perverted into contention for superiority, in the very design of the new mixture, is but trepanning and deluding men into real slavery; catching them into nets and snares; and instead of putting men upon considering every thing in its proper place, and one thing with relation to another, according to the reason, weight, and importance of the action, before we proceed to censure, it indulges intemperate heats and hearsays, and by the very methods whereby men think to assert their liberties, they are taught by seditious men to destroy them, for there is no such thing in the world as absolute freedom.

Another cause why men are not pleased with the government they live under, but by a continual endeavour to subvert the sovereign power, disturb it with sedition, is a desire of immunity from punishment, in such persons whose crimes have rendered them obnoxious to laws; for it being impossible, as long as men are subject to passions, but such faults will be committed as the sovereign power thinks fit to punish, the persons who have committed those faults will indubitably seek to avoid the punishment, by raising a party able to resist the sovereign power. And as criminals seek to avoid punishment for crimes already committed, so those who know they are laying designs to promote themselves and their party, which are contrary to law, and therefore cannot arrive at their ends, but by invading other men's proprieties, they will disturb the government, that they may find security in those crimes, which for the future they resolve to commit; and this they always attempt, by gaining credit enough with the people to impose a cheat upon them, by making use of the names of religion or liberty, or some other like specious pretence to gull them; and to this end there is a faction now among us, that to promote fears and jealousies, lately bagged their pamphlets about the streets, abusing the king under the name of the court; and upbraiding and

reviling the last parliament, as if they had been the worst of mankind; but this we thought was only a liberty taken in his majesty's absence, and the interval between the old and new parliaments, from whom we were in great expectations, and hoped that the king's return, and their session, would put an end to these extravagances, and unite all the people in the true interest of the kingdom, and promoting the advantages of a happy peace, to which their representatives were invited by his majesty's most gracious speech following.

My Lords and Gentlemen,

I have no doubt but you are met together with hearts fully disposed to do what is necessary for the safety, honour, and happiness of the kingdom; and that is all I have to ask of you.

In order to this, two things seem principally to require your consideration.

The one is, what strength ought to be maintained at sea, and what force kept up at land for this year; all that I shall observe to you upon this head, is, that the flourishing of trade, the supporting of credit, and the quiet of people's minds at home, will depend upon the opinion they have of their security; and to preserve to England the weight and influence it has at present, on the councils and affairs abroad, it will be requisite Europe should see you will not be wanting to yourselves.

The second thing I shall mention to you, as of great consequence, is, the making some further progress towards discharging the debts which the nation has contracted, by reason of the long and expensive war. In this the public interest, as well as justice, is concerned; and I think an English parliament can never make such a mistake as not to hold sacred all parliamentary engagements.

Gentlemen of the House of Commons,

I do earnestly recommend these things to you, that you may provide such supplies as you shall judge necessary for these several occasions.

My Lords and Gentlemen,

I think it would be happy if some effectual expedient could be found for employing the poor, which might tend to the great increase of our manufactures, as well as remove a heavy burden from the people.

I hope also you will employ your thoughts about some good bills, for the advancement of trade, and for the further discouraging of vice and profaneness.

The things I have mentioned to you being of common concern, I cannot but hope for unanimity and dispatch.

But notwithstanding this royal and seasonable advice, so pathetically adapted toward the quieting people's minds at home, the sore soon broke out again at their seditious clubs which they frequent both in and out of parliament, to raise unnatural heats and jealousies, and from thence were artificially transmitted to superior classes, to serve the base and ungenerous ends of ungrateful people, and putting the nation into flames of discontent and divisions. These meetings, as they influence other actions, are the sinks that pollute our fountains, the clouds that scatter storms among us, and here the men may be found, as well as in other meetings, from whose primary debates and resolutions we expect all the succeeding ills that attend us, from the bold strokes at monarchy that are made in other places; and as the small cells in Rome are said to contrive and determine affairs before they are brought into the conclave, and that they who would know what will be done by the cardinals, must consult some of the minor friars; so there is such a correspondence and mutual agreement between these seditious clubs and their brethren in other privileged places in the kingdom, that he that knows what's conclu-

ded on in one place, may know what will be done in the other. For these clubs being composed of a mixture of men, who, having soured all the generosity of nature, make it their business to calumniate the best, and misinform the worst of men; and have, to that end, insinuated themselves so far into the societies of those that would be thought *Angeli Agentis in Rebus humanis*, the great intelligences in human affairs, that they have twisted their interests together, and they have infused a perverse spirit into some men, that what one contrives the other acts, and what's said of one meeting may be understood as the designs of many others.

King William having done all that honest men could wish, or mortal man perform, for the glory and safety of England, a set of envious men rose from their several shades that had been long in the design of eclipsing his glory; and, like the council that was held by the Jews against our Blessed Saviour, say, "What do we do? this man does many miracles, and if we let him alone all men will believe on him;" so this late intermixture of men and interests against his majesty and government, seeing every day fresh instances of his goodness, and arguments of his growing glory, in order to their main design, united their counsels, saying "What do we do? if we let him alone, all his subjects will admire and love him: For notwithstanding all our former black arts to disguise his virtues, blast his honour, and lessen his authority, we find the people see through their own thin pretences, the king survives our scandals, and lives to make us the common scorn, and himself the people's darling."

Let us therefore (say they) take his prerogative a peg lower, smite him with our tongues, wound him with our pens, and publish it through the land, that he is not fit to be trusted with the sword: Let us raise fears and jealousies, call his soldiers a pack of cut-throats and murderers by profession, and act as furiously as if the calamities we pretend to fear, were felt already, and from the experience of the good he has done us, raise a possibility of his doing as much against us; and by these ways and means, we shall turn his friends out of the house, pack off his domestics, deprive him of the people's love and duty, and accomplish our own wishes in restoring our old master, or, which is as well, invest ourselves with the supreme authority.

These were the pious resolves at a club, held, I think, at the Old Devil, and from thence transmitted further, and ordered to be printed and published in several pamphlets; which, if I prove, will be sufficient to convince the world, such designs against his majesty and government are on foot; and that there are a set of people amongst us that promote and indulge them as copies fit to imitate.

And that I may not trouble my reader in raking old dunghills, and searching after pamphlets that are scarce, or not to be found, I shall take my rise no higher than the commencement of the peace, and begin with a pamphlet entitled "A Discourse concerning Militias," wherein the author has insinuated, that his majesty is not to be trusted with the power of the sword,[1] and gives his reasons for it in these words:

"King William by blood, relation, and other ties and common interests, has the house of Austria, most of the princes of Germany, and most of the potentates of the North for his friends and allies; and can, whatever interest he joins with, do what he thinks fit in Europe."

And is not this a great happiness to have such a prince King of England, that has so many powerful friends to assist him against the common enemy. Can our alliances be too great, can our helps be too many? who could think it was in the power of envy to make an ill construction of so great a blessing, or that any could suck poison from these additional flowers to the crown of England: and yet we see the clubbers from these noble advantages, have conjured up this jealousy,[2] "What security can be given, he (meaning the king) will not make use of this power to suppress the liberties of the people?"

[1] Page 14, 15.

[2] Book and page predict.—*Orig. Notes.*

Ungrateful people! has not the security been already given, in delivering the nation when ready to sink into ruin, and in consenting to such laws as a parliament proposed for your safety; and if after that they desired more, it was for want of asking, if you have it not. Is not the good he has done a sufficient security of his majesty's integrity, and a firm ground for all his subjects acquiescence in his conduct? Have you any reason to distrust him? Can you think that he that ventured his life to serve you, can have a thought to injure you? Away with these idle fancies and causeless jealousies, lest you tempt men to think you want a greater security for your liberties than you are fit to be trusted with; and, like the frozen snake, when you are warmed by an over-fond indulgence, you sting your benefactor, which, among our modern murmurers and seditious interpositors, would go near to find indemnity under the undeterminable name of the liberty and privileges of that sort of people, who, in quest of a popular omnipotency, pull down all that opposes it, and chuckle every faction whose passion, prejudice, and other circumstances, contribute most to the carrying on that design.

Now representing the king as a monarch unfit to be trusted, being the topping project, and the foundation of all that was to be reared upon it, in order to facilitate their future purposes, it was agreed at a succeeding club, which, as I take it, was held at the Young Devil, that the forecited author having a grain or two of modesty too much for such a towering design, that an abler pen at bespattering kings with invented calumnies and suspicions, should draw up their reasons, and report their resolutions on this subject, while the clubbers were idle and ill-natured enough to hear the same; and they having lain a while upon the table in the club-room aforesaid, where sedition is as commonly vented, as at the treason-table in Newgate, or Tom's Coffee-House, out comes their printed resolves in plainer words, and more agreeable to the sense of the party, under the title of "A Confutation of the Balancing Letter;" in which[1] are these words delivered:

"A standing-army is making the government absolute and arbitrary, and the nation slaves. It commands all our laws, liberties and estates. To put this power into the king's hand, is to lay the whole nation at his discretion, and therefore, though we have honourable thoughts of the king, yet we don't believe he deserves this trust, nor can manage it faithfully. That he has neither merit nor capacity to entitle him to so entire a confidence; no, not if he had all the perfections on earth, as he has a great many; nay, if he were an angel he was not fit for this trust."

Are these the products of your honourable thoughts of the king? Are these the methods you employ to speak your gratitude for his majesty's redeeming you from the slavery threatened, and possessing you of the liberty you are making such very ill use of; that can, like the man in the fable, blow hot and cold, and with the same mouth disgorge blessing and cursing, commend and disparage, applaud and distrust in the same breath? Are these suggestions the honourable ways and means you take, like your tricking predecessors of forty-eight, to make him a glorious king? Blush, O heaven! and let earth stand amazed and tremble! Tell it not in Gath, publish it not in Askelon, lest the whole nation be condemned, and included in the guilt of a few seditious and ungrateful members, that, having received the benefit of their deliverance from his goodness, durst not trust him with an army to defend their liberties, but would take the sword from this prince and force it upon the people, from whom, if they govern themselves by the leading maxims and humour now in vogue, and striving to be uppermost, there is more danger of a rebellion, than of the prince's assuming a despotic power.

Sure these gentlemen's constitutions are over-run with the scurvy or *Atra Bilis*, for

[1] Preface, page 9.—*Orig. Note.*

none see phantoms and dread imaginary dangers like hypochondriac enthusiasts; or else they would ne'er have raised such mean, false, and dishonourable reflections upon a prince whose merits have given him a name superior to all the titles upon earth, and earned him the entire trust and unalienable duty of all his subjects.

What! has not King William deserved this trust? O impious calumny, horrible slander, groundless suspicion, that is daily confuted by experience, and could be vended by none but whose avowed designs are for doing further mischief! What's become of the old English sense of favours, and gratitude to kings that delivered them from tyranny? Is it all dwindled into popular caprichios, and shrunk up into Janisarian privileges? Has exempting us from the fears of jails, inquisitions, and Smithfield fires, caused these clandestine reproaches? Has the restoring our religion, that ought to be dearer than our lives, deserved no better acknowledgment? Has the purchase of our peace and liberty to enjoy it with satisfaction, merited no more dutiful returns than to affront his majesty with their causeless fears, retort his kindness with hated jealousies, and sully his candour with vile suspicion?

"Yes, (replies the authors of them)[1] we have trusted the king with all we had, all the rights of an English king, as the imperial crown with all dominions, jurisdictions, prerogatives, and pre-eminences thereunto belonging:" And yet in the conclusion says, "he ought not to be trusted with the sword (which he calls a standing army, though the other author calls it as I do) for fear of enslaving the nation:" and in saying that, he might as well have left out all the rest; for the power of the sword, which is a very extensive word, is as much the king's right, and as firmly vested in him by law, as any other of the appendices, as the crown; and since there are so many lawyers that are the leading men in these clubs, it looks ill they should forget it.

And as to giving the crown, let the poet answer for me:

As for the crown you have bestowed,
With all its limitations,
The meanest prince in Christendom
Would never stir a mile from home,
To govern three such nations.

For if the sword from the king's withheld,
Which laws have made his own,
Who knows but when the megrim works,
Such wavering Christians may, like Turks,
Employ it against the crown.

Self-preservation is a principle in nature never to be dropt, and by the same rule that men suspect, they give cause to be suspected, which is only applicable to those that have raised the Mormo's; for all the liege and loyal subjects of England, that are true and stedfast to the king upon rules of honour and conscience, had rather die if occasion should require it, than hear his majesty traduced or suspected. They say his majesty has deserved more than England has to give: has merited the entire confidence and obedience of his people: and that after all the experience we have had, to grow suspicious of his good intentions, is to revile his virtues, grow weary of our own happiness, expose ourselves to danger, and affront the common-sense of mankind.

But seditious men seldom do their work by halves, and therefore, as if it were not sufficient to unking his majesty, they endeavour to unman him also, by saying he has no capacity for such a trust, to which I'll make no answer; for such efforts do not blast but brighten, and they that have the confidence to assert that will boggle at no-

[1] Page 8.—*Orig. Note.*

thing; therefore, like men that deny their first principle, they are to be confuted with scorn and taciturnity: All the world admire the strength of his judgment, ability of his mind, and dexterity of his parts, which I dare not undertake to delineate; for to do it by the common topics of comparison, would be a diminution of his greatness, and to form a just idea of his royal, personal capacities, or venture upon his character, requires a soul as great as his own, and it would be a profanation in any vulgar hand to attempt it: Silence and admiration best commend things above the sphere of our capacities.

Next, to scare people out of their duties, as it is the common practice of all seditious conventicles, to ransack stories for memorable accidents and prodigies, and having calculated them for this meridian, amuse people with a superstitious belief that the same events must follow: So our author (to the credit of his learning) tells us from Mr Knox a lamentable story to fright both sexes out of their allegiance, viz.[1] "That in the kingdom of Ceilon, there was a king. *Strange!* and that king had a standing army too. *Prodigious!* and his subjects were wont to call him by a name that signified next to God. *Horrible and dangerous!* and the people were such slaves that they durst not speak to him in the first person (singular number, preter-perfect tense and indicative mood) and say, I did so or so, but Baulagaut, the limb of a dog, did so. *Betrayers of their liberties!* and if the king asked how many children they had, they answered, the limb of a dog had so many puppy-dogs, and so many bitch-puppies. *Officers and men that had places at court I warrant them!*" And from this poor, crawling fancy, ridiculous in its application, and unpardonable for its wit, he takes occasion to fall into a fit of devotion, and gives God thanks we were not born puppy-dogs: And I wonder when his hand was in and his eyes up, he did not prescribe the remedy to his majesty's subjects, to bring the king to reason, and redress all these mismanagements and grievances, viz. rebellion; for that he says, cured the King of Ceilon from[2] attempting to make himself the rickety head of a languishing body.

This story, big with an ill design, as silly as it looks, was strangely admired by the party, and though calculated for nothing but fools and fire-sides, furnished them with new matter against the court, and the whole faction was so full of that whim, that it larded all their discourses, and you could hear of nothing but of slavery and baulaugatizing, arbitrary power, and puppy-dogs. The lobby, the painted chamber, and court of request, rung with the dull fancy; and those that were not in the mixture, in the language of our modern bullies, and new converts, were all sons of bitches. Fine language! but this is their way of arraigning the faith of kings, and frighting timorous souls from their duty.

The great point of slandering the king with jealousies and suspicions being thus far advanced, they reassume the former debate about the power of the sword; and, at a club held, I think at the Rose, or at the Long-Dog, at Westminster, I am not certain which, the question being put, it was resolved, *nemine contradicente*, and published in a pamphlet, called, A Discourse concerning Militias, "That [3]nothing is so essential to the liberties of the people, as placing the power of the sword in the hands of the subject."

And now you see what this intermixture of interests would be at, and what their pretences of liberty amounts to, viz. to tie up the king's hands, and to arm their own with the power of the sword, and then, good-night, landlord. Either we must have one popish king, or four hundred arbitrary sovereigns; and, of these two evils, which is most eligible, is as great a difficulty to determine, and therefore I'll return. I wonder when these gentlemen's pens were in, or their mouths open in the club, they did not claim the crown also, for that would have stopt many a wide gap in their for-

[1] Page 13. [2] Preface. [3] Page 6.—*Orig. Notes.*

tunes; and it is as essentially necessary that they should be both in one hand, as that majesty should have a sufficient power to defend itself; for as times go, and subjects which have found protection from their prince, and have no just grounds to suspect any prejudice from him in their laws, liberties, or estates, yet enter into diffidence of him, and being led by passion, false consequences, envy, or ambition, endeavour to subvert his government, it is essentially necessary for his safety, that the sovereign prince should be armed with something more than his own innocency and integrity, to repress seditious, aspiring, and unreasonable subjects. But, to return from this digression, let me ask these gentlemen a short question or two. First,

Since things are not ripe enough yet for the intermixture to tell their names, appear in their own dress, and say, if they could wrest the sword out of the hands of King William, they would restore it to the late King James, which, though first in the intention of giving these disturbances, must be last in execution; I would fain know, since there are so many factions among us, and all, though fit for nothing else, imagine they are capacitated to govern, to what sort of people in England they would commit the power they are contending for, and whether they have considered the impracticableness and danger of this baffled project. Will they commit it to the Papists, to the Church of England men, the Presbyterians, the Independents, the Anabaptists, the Fifth Monarchists, the Socinians, the Muggletonians, or the Quakers, and whether their disappointment would not be equal to their folly. For, if they should give it to the Papists, they'd restore it to King James, and that would displease, as well as expose, the Williamites. If they should commit it into the hands of the staunch Church of England men, they would be sure to give it again to King William, and that would enrage the Jacobites and republicans. If they should give it to the Presbyterians, they would keep it themselves, and set up a commonwealth, seize the king's and the church lands, and disoblige the monarchists and episcopal party. If they give it to the Independents, instead of beating the sword into plough-shares, they would hammer it into bloody axes. In short, the Anabaptists would demean themselves here, as they did to the princes of Germany. The Chiliasts would keep it in their own hands till Christ came, and the Socinians would dethrone him from being a king, as well as from being a god; the Muggletonians would bless none but themselves with offices, and curse all the world besides with incapacity and poverty, and the Quakers have been so accustomed to heave the glass and noggin to their heads, that they will let the sword drop out of their hands, and suffer all (like themselves) to run into confusion. And this game having been once played already, till each vigorous pretender had supplanted the other, and at last were found to settle on the ancient basis, monarchy, till they can agree where to place it more beneficially to the conservation of our true liberty, 'tis best to let it remain quietly in the hand where it is.

The gentleman that published, Considerations upon the Choice of a Speaker, has told us [1] 'twas the observation of the Lord Burleigh, (and he was counted a very wise man) "That England can never be thoroughly ruined but by a parliament," and I believe the antimonarchical clubbers, who make such desperate stoops at the regal power, and would leave his majesty nothing but an empty name, think so too. For the F's, the H's, and others that set up for the vanity of speaking long and impertinently, having talked themselves out of breath, and the whole audience out of patience about where the power should be placed, the club came to this resolution, which is published in a virulent pamphlet, called, Considerations upon the State of the Navy considered.[2] That if the grievances continue, the commons may at last be forced to take the management of the navy, and dependent officers, into their own hands, by appointing

[1] Page 1. [2] Page 16.—*Orig. Notes.*

commissioners of their own, and this seems rational enough, that those that are at the charge, should superintend the management of the affair.

All proceedings have their course and train, and by the wake men steer, you may easily guess to what port they are bound. The designs of these men, by their working, is to shake our fundamental establishment, and, under the appearance of liberty, to shrivel his present majesty into an emperor of the moon, and therefore trace those measures in which others of the same kidney were successful, in hopes of the same event, and will run from one degree of wickedness to another, till they have obtained what they aimed at. Their last demand related to the land-force only, and now to shew they will never be satisfied with any thing till they have possessed themselves of all, the management of the navy, and dependent offices, must be seized into the parliament's hands, which being agreed on by all sides to be the strength of the kingdom, you may guess how unreasonable they are, and what usage his majesty must expect. See by what tricks they introduce the scheme of subverting the government; for as if they believed the Lord Burleigh's notion, what they lurch from the king, they would bestow upon the parliament for that end, and no question but with the same design at bottom of it as their forefathers had in advancing the Rump, make them their tools to ruin the king, and then turn them out of doors, and erect a frippery of their own. They are very kind souls, and would give the parliament what they won't accept, as they are wise and can't accept, while they continue the character of being his majesty's most loyal and dutiful subjects, the Commons assembled in parliament.

This seeming kindness to the parliament is but a trick of the old trade, to lessen the king's authority; for investing the parliament with the supreme authority of England, is as great an error as the design to make them so is mischievous, for they must meet, and sit, and act as subjects, and under that denomination it is nonsense to call them the supreme authority. They that would make the parliament greater than they are, do but ridicule their just authority; and new minting phrases to take away their subordination, is only intended to raise heats and animosities in the kingdom. I know 'tis one piece of seditious men's policy to represent those that truly love and faithfully serve his majesty as if they were enemies to parliaments; but herein they act like Pliny's malicious animals that had their poison in their tongues and gall in their ears, and will neither speak nor hear but what sets men at variance. There is no body of men so universally and absolutely good, that it can be any harm to wish some of them were better. Nor is it any disparagement to men's understandings, to say, they are not always infallible; nor no ill wish, that no men would act as if they were so. Our English parliaments are the happiest constitution in the world, and notwithstanding all their faults and excises which have given great dissatisfaction to the considering and sober people of England, and have been sometimes very troublesome to the supreme authority by a peculiar fondness of their own notions, yet they are to be had in great veneration, and will be so by all that understand themselves: Whereas those seditious men that would clothe them with a political omnipotency, and rob the king to enrich the parliament, are the greatest enemies to the constitution.

The reason why the parliament should take upon them the executive part of the government, as their factious authors would have them, is, because they that are at the charge ought to superintend the affair. Which is a notion so injurious to our constitution that it overthrows the structure, and levels all before it. For though there are some ill instructed men, that have boldly disputed for a co-ordinate power in the parliament, yet, till the publication of these resolves no bayard has been so blind, nor wretch so impudent (pardon the expression) as to give them the whole executive part also. Every parliamentary address and all our laws speak the contrary. For, when according to their duty, they have proposed what is requisite to be done, they pray his

majesty to take care that it may be executed: now the power these men assume in delegating the king's prerogative to the parliament is no less injurious to their honour, than prejudicial to the king; for the inference they suborn to colour the presumption is no less than if they had said in plain words, since you have the power of the king's purse-strings, puzzle his affairs; cross all his politicks; tire him with troublesome tasks; confound his ministers with cross-purposes; deny him what you think he desires; advance whatever you think will displease him; take advantages of the necessities of the crown and creditors wanting their money; keep the exchequer poor, and, as the word is, let him know who and who's together; and, in fine, compel him to buy supplies at the price of his sovereignty, and establish yourselves perpetual dictators, the power is your own, and now's the time to exert it.

What barbarous humours and unnatural presumptions govern these seditious clubbers, who would tempt the parliament to embarrass the king's affairs, and take the whole administration of the government into their hands, which is the king's right by all the laws of England, and because they have a joint privilege of granting supplies, would invest them with the supreme authority of the nation to controul and govern all things at their discretion, which is an error as great as the design to promote or engross it is mischievous; for the parliaments have no such unlimited power, and only act in concurrence with the king. For as the king cannot raise taxes without consent of parliament, so the parliament cannot do it without the king. Laws do not take their obliging force from the quality of those that devise them, but from the regal power that enlivens them from dead letters into speaking laws. 'Tis the royal *Le Roy le Veult*, The king will have it so, which is the imperative sentence that gives every law a being, and is pronounced in passing every act of parliament. So that these bold donatives and demands, illegal suppositions and vexatious disputes are so far from asserting the people's right, as is pretended, that they utterly destroy them by unwarrantable encroachments and additions, and in the whole are but the froth of seditious intermeddlers, the transports of wild desires, and the gratification of some unreasonable men, that never did, nor never will do, good to England, till they govern themselves by better principles, and prove their conversions real by more loyal practices.

Hitherto I have only shewed you what the mixture of various interests have been plotting, towards the accomplishing their main design of subverting the government, and reducing the nation into a state of war and confusion, which some will think are crimes too black to be heard of among Christians; but so degenerate is the age, and so abominably wicked are this sort of people, that that which precedes is nothing to the tragical scene that is opened in the afore-cited pamphlet,[1] viz.

"The government is built upon this foundation, that kings are accountable to their subjects, and that upon forefalture of their own free will and power they may proceed to a new election, and place one more righteous upon the throne."

A bold and impudent assertion, and as far from truth in the design of our laws, as light is from darkness, and the club that vomited up this position, and the men that do comment upon it by their practices, and act like people spotted with the plague, being incurable themselves, they have yet the pleasure left of infecting others, which I shall endeavour to antidote by shewing that extraordinary proceedings are not to be produced as precedents, but upon the same occasions, for the laws of England have taken such care of the king, and his authority, that they have made his person sacred and his rights inviolable; but that I suppose which misleads people into that pernicious error, is misconstruing the proceedings against the late king, which is as full a confutation of that principle as can be imagined, if rightly apprehended, for that the honourable convention might not seem to make dangerous precedents to posterity, give the

[1] Page 13, 14.—*Orig. Note.*

people a scandalous authority, or render the monarchy of England precarious, and not worth acceptance, they cautiously and honestly avoided such pretences and settled the nation[1] "upon the express renunciation of James the Second, his voluntary withdrawing himself out of the kingdom, and the necessity of providing for the nation when the throne was vacant;" and therefore would never depart from the words Abdication and Vacancy of the Throne. So that what the convention did upon that extraordinary occasion, was when the late king went hence, but shutting the door after him, which the mixture of various interests are now endeavouring to open with picklocks of their own inventing, and I question not but if they had power to their will they would make use of their Betty's[2] also. For, whereas some modester men build this popular notion only upon a king's open violation of the original contract, converting his sovereignty into a power of destruction, and restrain that also to cases apparent, evident, and certain, these wretched men, having none of these things to pretend against King William, threaten the nation with a dissolution of their monarchy, for no other cause than the mismanagement of the ministry, and for that reason only say,[3] "it is time to think of another form of government;" which sums up their designs in a few words, and calls for a parliamentary prevention, lest men, under the apprehension of the danger threatened, should be tempted to think that the evils they neglect they tolerate, which God forbid!

Having thus discovered the designs of the mixture, let us look into the causes they assign to justify their practices. And here I encounter such palpable contradictions, that would give me more trouble to find out a method, than matter to refute them, if I were not obliged to them for prescribing one: fears, jealousies, and suspicions are the unhappy parents of their lewd proceedings against his majesty and government, and yet almost in the same breath, confess they are secured from all apprehensions of danger during his reign. So that, by their own acknowledgment, their fears are foolish, their jealousies causeless, their suspicion undeserved, and makes it my task to prove them so, which I shall do very briefly.

'Tis a true, but unhappy character of a particular reigning faction against monarchy, that they are so given to leasing, that though they had truth on their side, yet it would never please them till they had dressed it up and set off with all the colours of folly, falsehood, and calumny, and in much larger measure must we expect these additions, when all these joined with prejudice promotes them. What can we think more ridiculous than spreading insinuations that the king is not in the interest of his people, which is such a plain contradiction they might as well have said he was divided from himself? For their own consciences, if they have any, and they would give them leave to speak, must say, that in all the circumstances of his majesty's history, he has so abated his own grandeur, so bountifully scattered his favours amongst us, and so little considered himself, that no king ever did so much, no mortal man could do more, to convince the world, that as he had no other intentions in his coming hither than to preserve our religion, laws, and liberties, so it has been his endeavour, ever since, by a just administration, and even balancing all interest at home, and exposing his dear life abroad, to advance the welfare and glory of the nation, as you might have heard from his royal mouth, in his most gracious answer to the commons, addressed March 25, 1699.

"I came hither to restore the ancient constitution of this government; I have had all possible regard to it since my coming, and I am resolved through the course of my reign to endeavour to preserve it entire in all the parts of it. I have a full confidence

[1] *Vid.* Vote of the Convention of Jan. 28, 1688.—*Orig. Note.*
[2] A cant name given by housebreakers to the iron crows used in forcing doors.
[3] Page 14.—*Orig. Note.*

in the affections of my people, and I am well assured they have the same in me, and I will never give them just cause to alter their opinions. It shall be my study, to the utmost of my power, to perform the part of a just and good king: and as I will ever be strictly and nicely careful of observing my promises to my subjects, so I will not doubt of their tender regards to me."

Let all his majesty's actions be tried with the strictest scrutiny, and if they be taken as they ought, in coherence with his great design of preserving the honour and safety of the nation, his whole life will appear just and equitable; but if men will lay their false invented fears at the doors of his royal palace, that were begot and nourished in their own houses, catch here and there a snap, without examining the reason, use, and end of every action, which also by the way may not be fit for them to know neither: for every head is not fit to pry into the closet of princes; reasons and maxims of state are above their reach, and looking upward will but turn their brains, and make their heads giddy, which are too much afflicted with the megrim already,—I say, if they proceed so clandestinely, they may run into an eternal circulation of jealousies, slander the best government in the world, and make *quidlibet ex quolibet*, find treason in the laws, and pick blasphemy out of the Holy Bible.

Let the king's enemies, if they can, give us one single instance wherein he has not been just to the constitution. What law has he broken? What rights of the people has he invaded? What new pretences of prerogative has he invented? or wherein has his majesty stretched those that are the known and allowed rights of his crown, to the prejudice of his subjects? or what has he omitted that might conduce to their happiness? Did the king ever stop his ears to any reasonable petition? Did he ever deny justice to the meanest subject, or refuse shewing mercy where it was needful? No, in his majesty they have nothing to revile but his virtues, and were it fit to mingle his glory with the jealousies of the mixture, they could never be so perfectly summed up as in their opposites.

How unreasonably do men argue, that would make jealousies, conjectures, hearsays, fancies, and reports, a ground to raise suspicions upon, against a king whose life and actions confound all such pretences: and yet such brutes are found among us, that notwithstanding all his majesty's bountiful concessions, raise evil surmises, and make seditious comments and ungrateful returns to his goodness, forget their obligations, by growing weary of their duty, and would persuade the world, that the king is not in the interest of his people, because they are in none but their own.

And now, having answered the first cause they assign as the reason of their fears, I proceed to the next, which is as unreasonable and ridiculous as the former is false and scandalous, and both confute themselves.

Those pseudo patriots, that by improving and practising upon fears and impossibilities, would cover the affronts and indignities they put upon his majesty, confess there is no danger to be expected during his reign, and give these substantial reasons for it: [1] "Because he is our Moses, and has delivered England from a captivity equal to that of the children of Israel. A prince whose life is so necessary to the preservation of Europe, that both protestant and popish princes, forgetting their ancient maxims and innate animosities, made it their common interest to chuse him their patron and protector; a prince in whom we know no vices but what have been esteemed virtues in others, viz. His undeserved clemency to his enemies, and his too much exposing that life upon which depends not only our safety, but the liberties of all Europe, and the protestant religion through the world;" and yet to spoil their kindness, usher in an inference, that tells the reader they give no credit to their own eulogies, for after they

[1] Argument against a standing Army, p. 9.—*Orig. Note.*

said, " If this most excellent prince was as immortal as his glorious actions, we ought in common prudence to abandon all thoughts of self-preservation, and wholly rely on his care and conduct," they are pleased to add, what was the mighty argument of their party in another place, " That since no virtue nor pitch of glory can exempt him from paying the common debt to nature, we ought not to entrust any power with him which we do not think proper to be continued to his successor!" A poor shift, God wot, to support ingratitude, and might have been better solved by agreeing to be civil to him during his life, than by making his mortality an argument for the exercise of ill manners, promoting fears and jealousies, and aspiring after his sovereignty; for by these policies the intermixture work, that say in effect not this king, but another king, or a form of government " that would have no king in Israel, that the seditious might do what was right in their own eyes, act like men of authority and not as the scribes;" for then they will want no collateral security for their privileges, when their reasons are in their own hands, and the supreme power placed in that sort of ill-natured people whose understandings grow downward, and affront a good king in being, because it is possible a bad one may come hereafter, which is an absurdity never equalled, but by those members of the same club, that affirmed, among other debates and resolutions,[1] " That the most likely way to restore King James is maintaining an army to keep him out:" Or a gentleman that said, the late noise of an invasion from France was a trick of the French king's, to keep up a standing army in England.

To slander his majesty in his honour and the good esteem of his people, not for anything he has done, or that they fear he will do, but for what possibly another king may do hereafter, is either a senseless, or a very malicious way of arguing, and makes all their panegyrics on the king look as if they were formed from the deepest malice and prejudice, and were only the arts of the mixture, under profession of the greatest veneration to diminish the person they pretend to magnify, and, to use their own words, is "cutting a man's throat with a feather;" for though a preventional prudence, in stifling ill consequences in their causes, and obviating mischiefs in the bud, is very commendable, yet to make a danger real where it is but imaginary, to act as if it were in being, that is as far distant as the next generation, to suspect a king in the throne for the fault of a king that may be yet unborn, and from a bare possibility of power being ill employed, to act as if it were so, is but struggling with phantoms and chimeras, and inflaming the people with senseless and seditious may-be's. A king of England, a hundred years hence, may be a tyrant; must we therefore be rude and ungrateful to the king in being, whom we confess he neither has, and believe he never will do us injury? It may happen in the next generation, a king, by the exercise of a despotic power, may deprive the subjects of their liberty; must we therefore ravish the rights of the crown from our present monarch, that by his valour has regained, and by his goodness preserves them? We may be wronged by an enemy; must we therefore suspect our best friends? and because the world must be destroyed by fire, must we run with torches in our hands and burn our houses now, in dread of the general conflagration? Surely none are so mad to grant it! and therefore to strike people with dreadful expectations of what may happen we know not when, and set up possibilities and contingencies to unravel and perplex present affairs, smells rankly of a design, and that our new seditious interpositors would enslave us, first to their principles, and then to their persons, as their predecessors have once done already.

Our miseries are endless if we stand in fear of possibilities; for as there is nothing we fear so certain of coming, as 'tis certain that many things we fear will never come, we should hope the best, and not by treachery, cowardice, and distrust of Providence,

[1] Arg. cont. stand. army, p. 28.—*Orig. Note.*

contrive and enlarge our own unhappiness; for this is to die for fear of death, and ingulph ourselves in certain misery upon invented or ill-grounded apprehensions.

This design of amusing the people with evils that might happen from a standing army being on foot, how did the mixture of interests, by pretending to read his majesty's thoughts in that affair, draw such unnatural consequences, and retort such disingenuous reflections upon his supposititious future conduct, as was unsufferable in hearing, and undutiful in reporting; and yet how coolly, sedately, and wisely did his majesty manage himself in that whole affair, and silenced all that slandered his intentions, as if he would govern by a standing army; for though possibly his majesty might be of opinion (as well as thousands of his subjects of celebrated intellects and considerable fortunes) that as public matters were then circumstantiated, a greater land force was necessary than what was talked of; yet so great was his desire and endeavour to allay the heats, that some men were raising upon that subject, that he suffered the quiet of his people to prevail upon his judgment, and as soon as the bill for disbanding the army was ready for the royal assent, he immediately passed it; and to that great example of self-denial made the following pathetic answer to the parliament's speech, February 1, 1698.

"My Lords and Gentlemen,

"I came to pass the bill for disbanding the army as soon as I understood it was ready for me.

"Though in our present circumstances there appears great hazard in breaking such a number of the troops; and though I might think myself unkindly used, that those guards who came over with me to your assistance, and have constantly attended me in all the actions wherein I have been engaged, should be removed from me; yet it is my fixed opinion, that nothing can be so fatal to us as that any distrust or jealousy should arise between me and my people, which I must own would have been very unexpected, after what I have undertaken, ventured, and acted, for the restoring and securing of their liberties.

"I have thus plainly told you the only reason which has induced me to pass this bill; and now I think myself obliged, in discharge of the trust reposed in me, and for my own justification, that no ill consequences may lie at my door, to tell you as plainly my judgment, that the nation is left too much exposed.[1]

[1] Ralph makes the following severe reflections on the king's reluctance to part with his standing army:— "To maintain the peace according to his majesty's sense, was to continue the army, not indeed upon the establishment which had been submitted to during the war, (for ten regiments of English foot had been disbanded, and two of Dutch horse, which had been quartered in England in plenty, ease, and safety, were sent home,) but nevertheless on such an establishment as had never been heard of amongst us in time of peace, except when King James, under the direction of the same Lord Sunderland, was furnishing his enemies with those matters of complaint which in the fullness of time brought on the Revolution: for his setting up an army in time of peace was then reckoned one of his most crying sins; and as such was set forth in the Declaration of Rights, though care was insidiously taken, even in that secret instrument, to bespeak the measure of misgovernment by inserting those delusive words "without consent of parliament;" as if the word parliament contained a charm which could convert poison itself into an universal antidote.

"But even the king himself, in his own declaration, when bidding for the affection and confidence of the people as Prince of Orange, had set forth, That his great purpose was to settle their liberties on such a foundation that no danger should remain of their relapsing into slavery: and as soon as this was done he would send back all his foreign forces; and yet he was now contending for a standing army, which was incompatible with the security of those liberties; but for such an intermixture of foreigners amongst them as aggravated out of measure the jealousy which from such a variety of causes had taken possession of the public: for of these foreigners he had one troop of horse, consisting of 220 men, and one regiment of body guards, consisting of four battalions, or 2670 men: these were Dutch. He had also one Scotch regiment of 1656 men; two regiments of dragoons, consisting of about 1400 men, and three of foot, consisting of almost 3000 men, all French refu-

It is therefore incumbent upon you, to take this matter into your serious consideration, and effectually to provide such a strength as is necessary for the safety of the kingdom, and the preservation of the peace which God hath given us.

The House of Commons, in an address, were pleased to tell the king, that the passing the act for disbanding the army "Gave great satisfaction to his majesty's subjects; and that his compliance with the punctual execution thereof would prevent all occasion of distrust or jealousy between his majesty and his people:" And one would have thought it could not have missed that great end. Yet there was a remnant at several clubs, that, reaching after sovereign power, like the Bay of Biscay, are always tumultuous, let the wind blow where it will, that were more enraged and disturbed at his passing the bill than they were before on pretences he would not: and at several cabals (to use their own words) said, "The king had cross-bit them, foiled them at their own weapons, had broken their measures, and removed a pretence, which they hoped would have been a lasting subject of complaint, and keeping up the pretended fears of arbitrary government:" Insomuch that a gentleman of no small figure in public affairs, upon reading his majesty's speech above recited, in great passion swore, "G—— d—— me, 'tis impossible to circumvent this gentleman, (meaning the king,) he countermines all intrigues, and will govern us in despight of our teeth."[1] At other clubs some members of the faction raved against the bill, because it had left "seven thousand cut-throats" yet in England, whereas there ought not one red or blue coat to have remained on this side of the water. In hopes, I suppose, they being disgusted under resentments of the slight, they would immediately transport themselves, comply with the court at St Germains, and assist them in the restoration of popery and slavery: Or otherwise, by leaving the nation defenceless, we might have no benefit by a peace, that cost the kingdom so great an expence of blood and treasure: For whatever these men pretend of the zeal of Englishmen, in the defence of their country, and the no need of swords in times of peace, they do but arraign their own politick: "For that peace which puts people out of a condition of defence in case of a war, must expect a war;" and such a state as leaves a people at the mercy of an enemy, is worse than a war itself, unless we could persuade our neighbours to be as supine and negligent as they would have us be; for otherwise, our sloth and fancied security is but an invitation for them to over-run us, or cut our throats while our hands are tied behind us. The pretence of

gees, who had no other dependence but on him; and with a very little court-management, might, in process of time, have been brought to serve for such prætorian bands as served the worst purposes of the worst Roman tyrants; or the Turkish janissaries, who have no property but their swords, nor relation to, nor connection with, any one of the human species but the officers who discipline, and the lord paramount who pays and commands them."—Ralph, II. 767, 768.

[1] Yet King William, by another message to parliament, intimated how he lingered in obeying the resolution of the house to dismiss the companions of his dangers; and Dalrymple has well described his grief and anger when he found the house inexorable.—"But when the time approached when his guards were to take leave of him, all the tenderness of mind of a fellow-soldier returned, and he made another attempt to work on the feelings of the nation; deeming it impossible that persons whose religion and liberties he had saved could be so inattentive to his honour in the eyes of Europe, and to those guards who had so often defended his life in battle, as to expel them from England with marks of suspicion and disgrace, and therefore he wrote the following message with his own hand, and sent it by Lord Ranelagh, paymaster of the forces, to the Commons:

"'His majesty is pleased to let the house know, that the necessary preparations are made for transporting the guards who came with him to England; and that he intends to send them away immediately, unless out of consideration for him the house be disposed to find a way for continuing them in his service, which his majesty would take very kindly.' But the Commons stood firm to their service, and the foreign troops were shipped off.

"Upon this occasion, once, and but once in his life, William lost his temper in government. A well-vouched tradition relates, that when the account of the refusal of the Commons to pay respect to his last message came, he walked some time silent through the room, with his eyes fixed on the ground, then stopped, threw them around with wildness, and said, 'If I had a son, by God these guards should not quit me.'"—Dalrymple, III. 178.

relying solely upon our fleet renders our safety as uncertain as the wind and weather; for if, in time of war, when we had the assistance of a neighbouring fleet in conjunction with our own, besides a powerful confederacy by land, yet found we had enough to do, before we could bring our enemies to any tolerable terms of peace, it would be the greatest folly in the world to depend upon a single uncertain help, when we might be subdued before we could put ourselves into a posture of resistance at home, or expect it from abroad. As weak is the pretence of relying upon our militia, which for ever will be nothing but a raw and undisciplined multitude; and to trust to it is to combat wolves with sheep, to let go a real security and rely upon an imaginary one. The project of making the militia serviceable on all occasions is still in the clouds; and the insuperable difficulties they meet with in producing the miracle, and the delays they give us in forming the stratagem, tempt us to think they are at last fallen into the other notion, viz. "That regular and disciplined troops are far superior to the best and strongest militia in the world; that experience and discipline make an army serviceable; and where the security of a nation requires a martial strength, it is ridiculously impolitic to disband the learned only to teach the ignorant, and put the government to the toil and expence of making officers and soldiers, when we have them made to our hands."

There is nothing but contradiction and an inflexible humour govern this sort of people; for after they had lost their vain fears of arbitrary government, in the character they themselves give the king, they shelter under the danger that might arise from the army itself; and yet after all the rude and ungenteel language they give both officers and soldiers, yet at last the power of truth has forced them into this ingenuous confession, [1] "That what they have said against standing armies, they would be understood of such as are instruments of tyranny and their country's ruin, and not of our present army, which was raised by consent of parliament, in the just and necessary war; and next under God and our great and glorious deliverer, have, by their bravery and conduct, preserved our liberties and the protestant religion through Europe."

There are a sort of talkers that ought to have good memories, and these seditious babblers, though they have an excellent faculty in the former, they are extremely defective in the latter; for it was this very army, that, next to God and our great deliverer, have by their bravery and conduct preserved our liberties and the protestant religion through Europe, that in other places [2] they call common cut-throats and murderers by profession, and under those hard names move, that there may not be [3] one soldier left in England. It is a great shame and pity that the army have not the privilege of bringing actions of slander against the mixture, for as every injured person and fraternity ought to have reparations proportionable to their sufferings by slanderous tongues, so I am very confident the freeholders of England would give them swinging damages, where the aggressors confess the action. Well,

Since then, by their own confession, there is no cause of fear from the king, nor danger from the army, it is worth our further enquiry, what has raised all this dust to choak us with jealousies and suspicions, and after all the reputation we have gained in war, would sink us into a dangerous remissness in time of peace, and upon remote and invented fears of danger, that will probably never happen, expose ourselves to those which we must certainly look for, as soon as we have put ourselves out of a capacity of resisting by disbanding the whole army, and the reason I met with in an ingenious author, viz. Because a sort of men set up for wonderful patriots, grow jealous of the prerogative, and commence zealots for public liberty, who, in the late reigns, though we had not only the justest causes of jealousy, but all the certainties of evidence that

[1] Argument against a standing Army, p. 30 and 31. [2] *Ib.* p. 29.
[3] Answer to the Balancing Letter.—*Orig. Notes.*

arbitrary power was erecting; yet some of them were silent, and others that went into them with as hearty a zeal for arbitrariness as they seem now to put on for liberty, and in the late war laboured hard to lay us open to invasion and conquest, what they could not compass during the war, are endeavouring to accomplish now, by all the arts imaginable, and leave no stone unturned that may make a step to our confusion and their own advancement; but this affair being determined by the king and parliament, I shall add no more but my hearty wishes, that there may never be an unhappy occasion, by the malice of our foreign enemies or the treachery of the mixture, to convince us by a dear-bought experience who were in the right. However,

Though this matter is at length accommodated, as you have heard already, to shew their envy, covetousness, and ambition is never to be satisfied till themselves be in office, or all overturned, they reassume their never-failing topics, arbitrary officers, and mismanagements, and, through the sides of his ministers, wound his majesty in his honour, and under the general name and cry against the court, reflect upon his sacred person; for though they do not explain it in words at length, but hide themselves under dubious and ambiguous terms, their meaning is as intelligible as that it is day when the sun is upon the meridian. None but the king has power of modelling the court, or exchanging the ministry; and they might as well say, the king was the head conspirator to introduce the pretended slavery, as to say he appoints the instruments to accomplish it: and how they will reconcile this, either with the character they are pleased to give them, or the profound respect and duty they pretend to owe him, is past my understanding.

I am no advocate for ill ministers, and they that know who are such would do well to tell them so, or apply themselves where the discovery will be welcome, and mismanagements redressed; and if they do not take the legal method of convicting such offenders, their pretences will, by all that understand themselves, be censured, like Sir H. D. C.'s petition, to be frivolous, vexatious, and scandalous. I know they will answer, it is none of their business; and I must reply, they do ill to concern themselves with that which is not; for it is less every man's duty to rail, than to seek to remedy what they know is amiss: and if they know it not, they are much more to blame to make worthy men's reputations the subjects of idle and envious banter, unless they covet the name of busy-bodies, or, what is worse, common slanderers.

There is a blind side and weak part in the populace that easily yields to any assault, which all that sow sedition endeavour to secure to themselves, and that is, they naturally love to hear great men spoken ill of, and are never better pleased than when their ears are drummed with rancorous discourses and malicious insinuations against their superiors: which the mixture knowing, they frequent public places, and without considering their own quality, and the port they ought to keep, associate with all companies, to exaggerate the faults and misfortunes of the government, which they always do to the height, and make every mole-hill a mountain, every gnat a camel, every slip or stumble a dangerous symptom of approaching ruin, and hint them with such a superfetation of fears and jealousies, as if the whole frame of nature were dissolving, and the world on the brink of ruin, by the mismanagement of those they are pleased to call ignorant and ill-designing ministers, and then sigh out damnation against them with such hideous accents, as engages their auditors to believe and publish them; and by these little artifices of the mixture false reports are spread, and the king and court traduced, when there is no cause or reason to give them credit. Hence ill constructions are put upon useful and innocent actions; ill turns are given to well-intended designs, and every trip in the administration is magnified by unjust aggravations, without making an allowance for the difficulties under which the ministry for many years have laboured; in maintaining a war by sea and land, when our money was debased, our credit sunk, and almost at an impossibility to retrieve it: besides the care and thought

in uniting men of different parties, different principles, and different interests, to contribute towards the common preservation, which no man knows the trouble of, but those that underwent the burden of it, which, if impartially weighed and considered, with due regard to the circumstances of the time and necessities of affairs, it would not only cool the heat of their enemies, but merit the applauses and thanks of those very men who are so forward to condemn them, without considering how much the government is weakened, and the honour and reputation of it broken, by these ignorant and ungrateful underminers.

No government on earth is so completely perfect, but something will be amiss in the administration, and some unhappy occasions of complaints will arise; but the ways by which the seditious intermixture manage themselves, plainly discover their designs are not to rectify disorders, but to countenance their own clamours against the king and court, because they are not infallible; whereas a modest and sincere intention for the public good, would first consider how far promoting such suggestions would carry them, since if they look back but a few pages into our history, they will find that the same complaints have already kindled a war, and many a doleful tragedy amongst us. 'Tis impossible to know what they mean by what they say, for they take the measure of good and evil, not from the nature and tendency of actions, but from the characters of persons, and they are elected or reprobated, as the persons are esteemed for, or against the party, to which their natural propensities, or sordid interests, incline them, and being tinged with malice and malcontentedness, they think nothing more their duty than to feed and cherish unnatural heats and divisions, till they can blow up the sparks of their phrensy into public combustions. 'Tis their natural humour to dislike, and as fast as they are able, subvert every established government; and it is no wonder, for what can restrain madmen from railing at their keepers, and governors, and the laws, which fetters them up from those outrages, that they are so eager to act upon their country.

There is scarce a crime to be mentioned in reference to the publick, but they confidently charge it upon the ministry; but keep the proof of them in the clouds, as if the world were obliged to believe malicious reports, upon the credit of a spightful hearsay, which have neither being nor beginning, colour nor pretence to justify them. There is all the reason in the world that ill ministers should be punished, and he would be one of the worst of men, that would either palliate their fault, or protect their persons when they are convicted of what they stand accused; but yet there is no reason that any man should be scandalized, and suffer upon the naked account of a running clamour, that has no other father but the malicious inventions of those that are struggling for their places. It is no wonder to hear the greatest worth defamed, the wisest conduct suspected, the profoundest wisdom slighted, and men of the most exemplary virtue evil spoken of. The envious eyes of some men will for ever be disturbed for so great a lustre. The Israelites envied Moses, the Jews scandalized the blessed Jesus, the Romans suffered Belisarius to beg about their streets, that had been thrice their deliverer, and no sooner were the Athenian captains, by their excellent conduct, valour, and success, raised in the esteem for their very enemies, but they were presently envied, impoverished, and proscribed by their own countrymen. The renowned Cæsar's fall was owing as well to the envy as malice of republican Brutus and Cassius. 'Tis a great piece of folly to think the worse of any man for being envied and evil spoken of; for it is certain the wisest and best man in the nation, though others may, shall never escape censure; therefore heavy accusations, and crimes of the highest nature, ought to be well proved, before they are believed, or spread abroad to the prejudice of great men in their lives, honours, and estates, for if it be enough to be accused, where shall we find a man that is innocent?

We have heard many unpardonable crimes objected against the court, but how rare-

ly do we hear of any proof made against them; and therefore since the seditious interpositors, after all their tedious searches and examinations, have not been able to descry the dangers they pretend to fear, it is a sufficient principle of presumption, that their jealousies are ill grounded, that they find fault merely for the sake of finding fault, and like boys, having blown a soap-bubble from a walnut-shell, resolve to keep it up as long as they have breath to follow it. Nay, since they exhibit foul and dismal charges against the ministry, without referring to any act of the ministers to make it good, they prove nothing but that they are oppressed with envy and ill-nature; for they are not so unskilful at improving the minutest piccadillos, that had they been furnished with any shadow of truth, they would not have smothered them, and therefore since they have produced none, the reader may justly conclude they have none to produce. And all undesigning men, notwithstanding all the scarecrows that are set up to fright us, may with great satisfaction and quiet depend upon his majesty's promise made to the House of Commons[1] in answer to their address, viz. "That he will take the best care he can, that all sorts of mismanagements and irregularities shall be prevented or redressed." So that, upon the whole matter, our enemies crying out against the government in general terms, without being able to produce any thing worth the hearing, to justify their noise and clamours, they prove nothing but their want of breeding and better arguments, and their calumnies, when driven home, will recoil upon their own heads; for they that charge others with crimes they cannot prove, indict and convict themselves of falsity; and as this offence may be the parent of many disturbances, so, among our other real grievances, it calls for a timely redress, for it is infinitely below authority to indulge, or neglect, a humour that proceeds from nothing but invincible pride and peevishness. However,

Certainly causes there are, for all these complaints are not made for nothing. There can be no smoak but there must be some fire; and therefore, to be just to my reader, and satisfy my country, I must not smother them; but in conscience and honesty am obliged to bring some of them upon the stage, and shew the reasons why there are so many complaints against the court, and the first I encounter is,

That many of the seditious mixture are under great disappointments. They want places of profit that they may repair their tattered fortunes at the expence of the public, and places of trust, that they may have it in their power to turn the scales, if ever the beam should begin to totter; and shew their exquisite parts in doing nothing, and undoing all things. And the government being supplied at present with able and experienced statesmen, and that it is too long to go barefoot, till they can be recruited with dead men's shoes, they would pull them off, and force a way to their preferment, through the reputations of the present ministers, and for that end only, endeavour to make the present ministers uneasy to themselves, and hateful to others, that they may turn them out, and thrust themselves into their places; and this chicanery they manage with so much art and industry, at their several clubs and eating-houses, as if all were going to ruin, unless they be speedily employed, and such methods observed to regulate disorders, as they only can propose, though when their notions come to be examined, it is a thousand to one but they are utterly impracticable, dangerous in the use, and destructive in the end; but the vulgar not perceiving what's in the covered dish, they run into the same cry against the court, and eagerly spend their mouths in the chase, which their leaders have started, without knowing what the game is, how it must be dressed, or who must feed upon the carcass when they have helped to catch it.

Noise and nonsense is enough to set all the idle tools of the seditious mixture a madding, and therefore, having swallowed the infectious vehicle, it soon has its operation, and now they all applaud the contrivances and stratagems of these state empiricks, as

[1] *Martis, 4 die Aprilis* 1699.—*Orig. Note.*

the only physicians that can cure all the distempers in the public administration: the only patriots that can heal our breaches, and restore to every factious and impoverished zealot, what he has a mind to. And in order to it, railing at the ministry is called liberty and property, and freedom of speech, and despising authority is called not fearing the face of men in their country's cause, when their country is no more concerned in their invectives and quarrels against the court, than they would be for their country, if it were in their power to serve it. Let these underminers of the ministry make what pretences they please, self-interest is at the bottom of all their raree-shews for reforming what is amiss, and the truth of the matter is, these gentlemen having their wants to lead, and the devil to drive, they can find no such expedient to supply the former, and please the latter, as by changing the ministry, and thrusting in themselves to accomplish what they aim at; and therefore prosecute the design accordingly with uncommon vigour. See them set round a table, with all their politics about them, affecting as zealous a look as if every man were a Machiavel, and as expert in redressing grievances, and preventing abuses, as Solon or Lycurgus, and now whatever opens their mouths against the government, nothing but the hopes of a place can shut them, and that does it effectually. As a late poet sings,

Attempts to purify the court,
  Is damning men of places:
Till decently they send them home,
And get themselves put in their room,
  And then they'll change their faces.

'Tis not because some in are bad,
  That forms fears and pretences;
But wants of equipage and post,
And supplies at the public cost,
  To keep coach and six, and wenches.

The most serious discourses amongst them, and of weightiest matters, at last center in their wants of preferment, and begin where they will, a place is the end of it. And though they may smother their desires and ambitious aims awhile, and appear only public-spirited patriots, yet their vizor at length drops off, and their designs are discovered, they want an office; a lively instance whereof I heard but the other day in a coffee-house, where a diminutive animal, of a late, and from a mean rise, though now arrived to a great estate, being heartily railing against the administration, and sighing out his fears for his dear country and poor England, a gentleman smartly reprimands the fop, tells him his family was once regarded as men in the true interest of the nation; and though his father's chair sliding from under him, the fall had swelled his spleen, turned his brain, and affected his uncle's by sympathy, he was sorry to see the son also discover more weakness and ill-nature in the family, in cursing and reviling the public management, and promoting discontents in the nation. To whom the upstart replied, "I will, and ought to do it, for the court has used me barbarously, and the place I was a candidate for they have given to another." In short, he overvalued himself, by aspiring to the degree of a statesman, and was angry that a fitter man had the preference; and now his disappointment must be called a national grievance and mismanagement. And if you search to the bottom of all our clamours, still the want of a place is the cause of them.

Some of the murmurers, it is true, are modester, or rather subtiler, than others; yet all issue at last in the same thing, and though the poison does not break out at the mouth, yet they have their methods too, and slander the administration with their ears

and their looks; and whilst others clacks are running, accent and confirm their calumnies, by tipping the wink, shrugging the shoulders, and shaking the head so dismally, as suggests more crimes against the court than the world ever knew, or arithmetic can number. And if the stream runs against a minister they think their enemy, a familiar nod, or gracious smile from his lordship in mummery, confirms all the slanders which are broached at this cabal, and shall pass them as confidently as if they were mathematical demonstrations, when, peradventure, there is not one true syllable in all the clatter.

Others of this seditious mixture make their wants and necessities the cause of promoting discontents and jealousies, and raffle for preferments and places, for the same reasons that wise men think should utterly debar them; for hungry men ought not to be invited to scanty commons, their debauched, extravagant, and vain expences, having consumed their own estates, there is no reason to trust them with the public purse, or offices that may give them an opportunity of oppressing the subject to supply their necessities, and lengthen their own teathers by defrauding other men of their right of common. I am not insensible, that it is thought a great piece of policy in a prince to make frequent changes in his court, and when some have filled their pockets, to give them leisure to spend it, and oblige others of his subjects with the like advantages. I will not dispute whether this may prove advantageous to the crown; but I am of opinion it is detrimental to the subject, for the same reason that[1] Tiberius gave to his friend, upon asking him that question: "I seldom," says he, "change my governors of provinces, because every new hungry comer racks the people by new exactions, till they have filled their coffers, and then are at quiet." And to this purpose told them, that a poor lazar having his sores covered with flies, which he endeavoured not to drive away from feeding on his flesh; the spectators believing it proceeded from his inability to do it, they went near to do that office for him; but he prayed them to let the flies alone; "for having now glutted themselves with my blood," saith he, "they don't suck so greedily but that I enjoy a little ease; but if you drive them away, fresh flies will light upon my sores, and suck me to death." Which, applied to beggarly pretenders for employments, puts a bar to their importunate solicitations, especially when they take such indirect courses to obtain what they seek for. Men's necessities may be great, but good men's loyalty will surmount their wants, and not put them upon robbing the king of his people's duty and affections, to fill their own bellies; but rather to suffer any thing for his majesty than cause him in the least to suffer by or for them. They have a great deal to answer for, who, by the state craft of pressing for redress of grievances, would amend their own circumstances, by raising hurricanos in the state, and stirring up such commotions as sometimes shatter the constitution, and, as our own memoirs can too sadly inform us, often entirely deface and overturn it. When these dangerous incendiaries first set out to awe the government, what pains do they take to shew themselves disaffected, and hope to get places by arguments of their disloyalty, and run against the court in hopes they will ask their price, and take them off by bestowing preferments upon them. For those methods being successful in former reigns, they revive in this.

King Charles the Second knew their game,
  And places gave and pensions;
And had King William's money flown,
His majesty would soon have known
  Their consciences dimensions.

[1] Epitome of Josephus, p. 488.—*Orig. Note.*

But he has wisely given them up,
To work their own desires;
And laying arguments aside,
As things which have in vain been try'd,
To fastings, want, and prayers.

It is a lewd and unwarrantable step in politics, for seditious intermeddlers to expect to be gratified by profitable employments, for being intolerably vexatious to the government, and by all the sharking ways and means imaginable to place themselves at the helm; for this cunning is not always crowned with success, but oftentimes the wild pursuers draw down ruinous consequences on their own heads, by attempting to rise by such notorious acts as call their fidelities into question; for if men can be loyal no longer than they are bribed to their duties by preferments, the king leans on broken reeds, and cannot be secure till he has as many good places in his gift as he has bad and hungry subjects in his kingdom; and if men would but consider that they have to do with a prince that is not to be hectored out of his favours, they would give over throwing obstacles in the way of their own rising, seeing there is no great feats to be done in this reign by such a fantastical conduct: Whereas the exercise of humility, loyalty, and modesty would melt his heroic soul into such gracious considerations as would put him upon considering how he might be still more beneficial to his people.

The reigning sins, pride, ambition, and atheism, are other grievances that call aloud for redress, and the neglect of suppressing them are to be reckoned among our real mismanagements, and as the cause of the molestations that afflict the state. Envy and obloquy spares nobody; the most unblemished virtue is not shielded from their darts. 'Tis defined by Cicero, to be grief conceived in the mind at the good which another man enjoys, and that good especially by which the envious man receives no injury; but they are sick because other men are well; and the better it is with another, the worse it is with him. When men have consumed their own estates by idle and extravagant expences, they envy those that are grown rich by their industry; and this makes them curious in enquiring and prying into other men's affairs, that they may find something to lessen them. A temper so far from being Christian, that there's nothing of humility, but much of the devil, in it. Hence it is that the rattling of a courtier's coach frights them out of their senses; the sight of a fine coat makes them ready to tear their own clothes, though gayer, and puts them into such a heat, that nothing but the promise of a good place can cool their envy, or divert them from declaiming against the court, telling stories of mismanagement, detracting from their merits, and making large additions to their failings; and if the court oblige them with some fine thing to play withal, their pretended consciencious clamours will submit to their interests, and then the court is the honestest place in Christendom.

Pride and vanity are other ingredients that contribute toward the composition of a malcontent; for they swell the factions with such good opinions of themselves and their capacities for public employments, that there is a necessity for others to be turned out that they may have an opportunity to shew their rare qualifications: and then the most compendious ways to obtain their wishes are to calumniate the court, and cut down the oaks that the shrubs and underwood may flourish; when all is but a grand mistake, for neither have the possessors deserved a writ of ease, nor is the intruder qualified either with brain or body for it; but his pride and vanity screwed up his own price, and represented him of greater value than he was. But some lucky hand being so kind to plum the depth of his understanding, procured his dismission; and now, in revenge, king, church, court, city, country must go to wrack, and suffer all the reproaches that the wit and malice of the party can invent.

Haughty and ambitious antimonarchists are the other causes of all the fears and suspicions that are raised in England; for such elevating their minds above their ranks and the end of their institution, and wearing venerable titles, to humour ambitious freaks, some popular maggot or invented danger to withdraw subjects from their allegiance is started; and therefore, if we would not be choused out of our legal settlement before we imbibe their delusions, we had need make sharp enquiries, whether the specious pretences of their reformers don't design to justle out that universal repose which we have enjoyed under his majesty's government, and therefore are all equally obliged to promote it. Innovations, which self-interested men would introduce into the administration of the kingdom, have sometimes unhinged our regular constitution; but we rarely hear that they have ever corroborated the old, or have enlarged the power of the kingdom or the advantages of the people. History swells with examples which confirm this truth. How unanimously have our laws sentenced all commotions, though gilded with the fairest colours that art could invent. 'Tis attested by the experience of all ages, that the horrible evils which factious innovators, by raising fears and jealousies, have brought in amongst us, have been a greater burthen to us than any other affliction that could have happened. This is, and ever will be, the necessary consequence of such endeavours; for if every sorry pretender of grievances should take a licence to disobey his superiors whensoever he has a mind to deliver himself of a complaint, then farewell society, for no form of government can subsist on these extravagant terms, since every one, hurried by his passions, would never want plausible reasons to ground his plea of resisting authority upon, and by this means our miseries would be endless.

Our laws enjoin us to obey the king as supreme head and governor, and forbid us entering into any engagements, that, by the widest constructions, may seem to clash with our duty. Now such as by an implicit surrender devote themselves to any person or embodied society which are superior to them, if that society have given any signs of disloyalty, or of advancing themselves, the people are in great danger of being stript of their fidelity to their liege lord, when their leaders, who ought to animate the allegiance of the lower orders of men, become themselves the first deserters. 'Tis enough we give men of quality the respect that is due to them, without being so much their vassals as to sell that liberty of ours, of which the king is the only master of. Not that I blame a deference paid to great men, but I would not have their authoritative influence, hand over head, betray us to comply with their criminal passions; 'tis worth the while therefore, first to observe, as I said before, whether these reformers of abuses themselves are loyal and steady in the interest of their sovereign, and whether there is not a snake hidden in the grass; and that, under pretence of rectifying disorders and mismanagements, they have not a crafty design to hook us into a combination that undermines the throne of our prince; for if we get any light that they drive at so black an attempt, we must disdainfully retreat from such perfidious designs, and generously sacrifice every glittering advantage which they cajoled us with to our duty; and whatsoever interest starts up, to cleave inviolably to the king, for as his side is the justest, so the advantages of sticking to it will be the most honourable and satisfactory.

'Tis only the effect of a giddy presumption that spirits on tumultuous subjects to quarrel with the administration of the state, imagining that public affairs would roll more smoothly if themselves were in the ministry, or things were managed by their fanciful schemes; whereas 'tis their duty to submit to the laws, to banish murmuring and stifle opposition, when a conformity to their regulations are required. But if abuses do insinuate into the government, no doubt but we ought to wish they were reformed, but let no man undertake it without a lawful commission, and certain evidence of the facts; for all extrajudicial attempts and sinister ends tend rather to the shaking of the monarchy than amending its defects. And after all that state-menders pretend to in-

changing the ministry, the king is the proper judge of every alteration; and though he should not agree to such demands as carry a fair plausibility of right for their being granted, still ought to acquiesce with confidence, that his non-concurrence is for the real good of his subjects; and though the reasons are behind the curtain to us, they are evident and demonstrative to himself and council. How happy are we then, that have a king that caresses his subjects as his children, and with an indefatigable application propagates the welfare of all under his charge! How dutiful and diligent therefore should all his subjects be in their several stations, who bask under that sunshine to smother the gusts and ill designs of the mixture early, before they become gloomy clouds, big with impending ruin to darken the lustre of royal grace.

Here I had the thoughts of easing my reader from the fatigue I have given him; but I find myself under a necessity of trailing him a little further, before I can dismiss him with entire satisfaction. For having shewed him that there is a design carrying on at several cabals, either utterly to deprive his majesty, or at least to lessen his authority, I must shew him now, that since it could not be done at once, as in the Assassination-Plot, they are now doing it by degrees, and as the wolves would, first rob the sheep of the assistance of their faithful allies, that they might become an easy prey to their devourers; so that the mixture might impose upon the king at pleasure, 'twas resolved at another club, and published by one of their secretaries in a pamphlet,[1] called "An Answer to the Balancing Letter," that,

"To preserve the honour of the government, none or few who have gainful offices should be members of the House of Commons."

Sure the gentlemen of this club are men of great interest and correspondence, and what they transact in their club-room strangely influences other places; for there is scarce a page in the whole libel that has not been the subject of debates and resolutions in more eminent associations, and then no wonder to see things go at this rate, and themselves so mightily concerned for the honour of the nation, which was never further in their thoughts than to make what earnings they could from their pretences of having served the government: for some are well known amongst them, that now rail at all above and below them, that are not of their faction, that have had their hands deeper in the king's pockets, and have received larger shares of his bounty than any men of their quality in England, and yet are so ungrateful that they never afford his majesty one good word, but, upon all occasions, detract from his virtues, eclipse his glory, and by all the power they have lessen his authority; and in this their favourite project, aim at nothing less than, if it were possible, to leave him friendless also, for under that name they would exclude his officers, which are but the late king's politics reversed, and tend to no other purpose but to express their ingratitude.

Every protestant gentleman in England, under such requisite qualifications as the law has established, have a right to be elected members of parliament, and nothing can look with a more arbitrary countenance upon the gentry of England, than a design of this nature; for it takes away their birth-rights, and sinks their honour in the esteem of the nation, as it distinguishes them as men unfit to serve their country, because they have the honour of serving their king. Is this for the honour of the government, to persuade the world, that they that serve the king are not to be trusted in the management of public affairs. What a manifest contradiction is this to common sense, that those which other whiles they call the king's friends, must have a mark set upon them as his greatest enemies: for if they truly love and faithfully serve the king, as I am inclined to think they do, because the mixture hate them, they will offer nothing, but what they apprehend will be of service both to king and country, whose interests can never be divided, but live and die together. To think to serve the king by inju-

[1] Page 7.—*Orig. Note.*

ring the country, is to discrown their master; and to think to oblige the nation, by lessening the king's authority, and impairing his revenue, is to behead the people; their interests, as I said before, are so interwoven together that one cannot suffer, but the other sensibly feels it; and therefore the mixture ought to give the officers some other name, or let them keep their places. Besides, is it for the honour of the government to disfranchize the electors, and ridicule them as ignorant animals, who don't know who are fit to be their representatives in parliament? Is not this arraigning the commons to think an office can corrupt them, and bias them from their duty to their country? What disingenuous reflections are these upon gentlemen, and what heart-burnings will it beget among us? How do they know which way these officers will vote, since some officers vote as constantly against what they call the court-party, as if they held their places by no other tenure; ought not every member to vote as his judgment directs him, without being censured at every drunken club for so doing? And why should the yea's be thought less judicious and conscientious than the no's, or the no's than the yea's? God forbid; for these are but bones of dissension thrown among us to set all at squabbling: and that the seditious may find their own account in fastening crimes on men of honour and worth, they neither know why nor wherefore: Whose jugglings may prove of dangerous consequence to the state, and to those who are over-reached by them.

The design they manage, in endeavouring to exclude all that have offices under the king out of the House of Commons is plain enough; they are afraid the king's and country's affairs should thrive too well, and therefore would have the House of Commons to be like themselves, all of a piece, and wholly against the king and court. I cannot but wonder how they dare make such reflections upon the House of Commons, as to insinuate there are any parties and factions among them, by pretending to distinguish who are for and against the interest of the king. What a liberty of censuring all the rest do they furnish conversation with, when they propose the turning out some particular member, under the supposition that they are in the royal interest, which is unkind to the parliament, and ungrateful to the king: And I am only sorry that I am not wholly at liberty to pursue and improve the results of my own thoughts upon that subject: Though they have partly spared me the labour in contriving their schemes so ill, that they are neither adapted to persuade the wise, nor to deceive the simple; their intrigues, and the slanders by which they manage them, being so open and barefaced, that had an enemy designed to expose their wickedness, he could not have fathered upon them more unlucky instances, than what is covered under this old trick of secluding members, which we hope the Lord's wisdom and goodness will prevent, lest the same club, when their designs are ripe, should think their lordships also dangerous and useless, and propose it as a grievance to be redressed. For what has been done may be done again, and the same cause will produce the same effects to the end of the chapter.

Which is as evident as demonstration can make it, by the next step the mixture took at a cabal held, as I take it, at the Old Devil of St Dunstan's, where to express their ingratitude to the height, and shew what sort of cards were trumps, when their spies and emissaries, and the agents and factors which they keep in all corners of the town, to fetch and carry, to traffic for news, and support the trade of promoting fears and jealousies, had brought in their straggling reports, they came to these unkind resolutions, and ordered them to be engrossed, and[1] printed and published by their former secretary, viz.

"That letting in aliens diminishes the strength of the nation, and therefore the Dutch must be removed out of the kingdom, and a fatal day set for their departure."

[1] Pamphlet predict. p. 22 and 23.—*Orig. Note.*

Without doubt the mixture will say these proceedings are for the honour of the government too. To invite strangers to our assistance, and when they have done our work, and contributed to the nation's deliverance from tyranny, and oppression, then to treat them with unkindness and ingratitude; which, as our case stands in expectation of what may happen, is as opposite to the honour and interest of England, as light is from darkness.

Though I've no Lilly in my belly,
This home-spun truth I'll boldly tell ye,
(And may I be no prophet)
If thus we serve our truest friends,
Some nameless sparks may have their ends:
And mischief may come of it.

Nay, those staunch senators I doubt,
Who with a vote French armies rout,
And quarrel who shall win most;
Should Monsieur land, would surely fly,
And turning tail, heroic cry,
The devil take the hindmost.

Certainly the gentlemen of this cabal are very loose in their sentiments, that find those aliens, now so great an eye-sore, that not long since they caressed with the highest expressions of respect, and made such acknowledgments of obligations to them, that they were never able to recompence. Pray, gentlemen, what have they done to merit your displeasure? Wherein have they misbehaved themselves towards you, that all of a sudden they must be shipped off as a dangerous people? How long have you been persuaded that they have diminished the strength of England? Were you of this opinion when they landed in Torbay, and with their swords in their hands, asserted your liberties? Could you have done the nation's work without them? If you could, why did you so earnestly request their assistance, and if you could not, why would you have them used so unkindly? For shame, give over affronting the honour of Englishmen with such ungrateful characters, and making the nation contemptible in the eyes of all the world, for the sake of a few mal-contented clubbers, and the next time you employ your secretaries pens, let it be to better purpose, and enjoin them, for the honour of your club room, to apologize for the slurs they have put upon the nation already.

But the decree of the cabal you see is peremptory. Our Dutch friends must march off, and the reason they give for it is a double one, viz.[1] For every foreigner living in England, say they, we have an Englishman the less. That's strange! Since, if we had not had their assistance, our quota during the war must have been greater, and consequently more Englishmen must have fallen a sacrifice to popery and slavery, than has done, and therefore we have more Englishmen left alive for having had their assistance, than in all probability we could have had, if we had wanted them; but this core against the Dutch lies deeper than every man's aware of; for these very men that proposed packing off the Dutch, not long since were as zealous for promoting a bill of naturalization for all the French: Though the latter nation are our known enemies, and the Dutch our faithful allies, and embarked in the same cause against them. But it seems the mixture knew what monarch protected the abdicated king, whose restoration is a great point among them, though kept behind the curtain; and where the court of St Germains stood; and therefore were compounded with the two courts, by

[1] Lib. et p. predict.—*Orig. Note.*

shewing kindness to that nation, and sending away the Dutch, who, by interest as well as alliance, were obliged to assist us when occasion served against them both. I could urge a great deal more upon this head, but I know they are upon the fret already, for being touched in the galled place; and being unwilling to scour them more, or meddle with a wasp's nest, I won't attempt to put a statue of brass out of countenance, or hope to convince or silence men of their complexions.

The great reason why the Dutch must troop off, is still to come, and though they were always accounted as his majesty's domestick servants, and have for many years attended his royal person in his progresses, yet not a hoof must be left behind: and to enforce this proposal they draw their unanswerable argument from a hen-roost metaphor, and say,[1] "Strangers are the nest-eggs of a foreign invasion." See how these witty gentlemen tumble in their pretty tropes; rickety heads and arbitrary power, obedient subjects and puppy-dogs, invasions and nest-eggs. Typical, topical, tropical, my red is green. What pleasant sport might a man make with the grave speeches that have been made upon these heads, but I have no time to lose in winnowing chaff, or catching butterflies; and therefore shall proceed to shew how these gentlemen forget themselves, and say and unsay to uphold the great hypothesis of being perfect enemies to his majesty. When a probability of trouble from France was urged as a reason to keep up such a number of troops as might secure the nation from such attempts, then the mixture scoffed such obviating dangers as ridiculous imaginations. Then we hear of nothing but great courage, zeal, fidelity, and unanimosity of the English nation, in case of a French invasion; but when the talk was not about the Dutch staying or going, all those glorious epithets are shrunk into the meanest of spirit, and they shewed the nation in such a cowardly posture, as if they stood all shivering behind the door, for fear of —— thousand Dutchmen; or that every one of those nest-eggs should hatch such a brood of shake-bags as would beat all the fighting-cocks in England. Thus are we represented as stout as lions, or as fearful as hares, as will best agree with the designs of the mixture: If the king would have land-forces proportionable to those of our enemies, then there were no need of any other guards than his halberteers; for in case of any invasion every individual man in England would be a soldier; but if it be thought reasonable, civil, and obliging, that the Dutch guards should remain in England, then up start fears and jealousies, and remonstrate such dismal accidents may follow such an act of gratitude as may subject us to a conquest, and make us all slaves to Holland. Did ever men make such wretched pretences? 'Tis a sad symptom that ill designs are brewing, when such positive people are driven to such sceptical and doubtful innuendo's, and are forced to take sanctuary in naked may-be's, and thwart and affront his majesty upon every trifling suggestion, arising from the principles of disloyalty; so that nothing must be done for him out of respect to his person, or the mighty deliverance he atchieved, till all demands of the cabals, how unreasonable soever, shall first be fully satisfied. But why should we wonder? 'tis natural for this mixture to be displeased with the grandeur and prosperity of the court. The height of the king's felicity frets their proud and envious minds, and they are never so apt to spy dangers, and complain of the badness of the times, as when the government is like to be most flourishing. They are incurable malcontents, and in dread of an arbitrary power, which they say they have no reason to suspect, yet are making encroachments upon the royal authority, and lying at catch for all advantages, and husbanding all opportunities to abate the sovereign prerogative, and to keep the monarchy low, by removing his friends, impoverishing his revenue, and being imperious and inexorable in their impositions; as may be easily read in their resolve to expel the Dutch, viz.[2] "That a fatal day be set for their departure."

[1] Page 23.

[2] Pamphl. predict. p. 23.—*Orig. Notes.*

And why a fatal day? They could not mean it to the Dutch guards, for they were but going home from whence they came to our succour; and therefore must mean it in respect of us, that it would be fatal when we want friends to be refused their assistance. They were pleased to call the Dutch a dead weight upon the nation, and I wish all others that are so had bore them company; and then, as we have fewer enemies, by being well rid of the latter, and so the balance would be equal. The libel has yet some fragments of history to give it a greater currency among the seditious intermeddlers; but being nothing to their purpose, I shall not reckon it so much to mine as to answer them; for since my whole design was only to expose these lewd scribblers, I hope I have done it to your content; and this affair being now amicably determined by the king and his parliaments, nothing more ought to be added but what I shall ever contend for, viz. a dutiful obedience to our superiors.

I have now shewed you the reigning evils of our present times; give me leave to acquaint you by what ways and means they are raised and continued to breed disturbances, and then I shall dismiss my reader.

The spring and progress of all our causeless fears and jealousies, and the unhappy consequences that have attended them, are owing to the more than ordinary industry of seditious men's trafficking for news, and employing a sort of idle peddling people to range up and down in quest of fresh intelligence, who importune all they meet to contribute to the stock of slandering the government; and if they chance to meet any of their associates upon the frontiers of their respective walks, they frankly impart what they have gained to each other, as beggars do their fragments: and seditious clubs are the common places of rendezvous, where they all unload, and every particular member partakes of the joint collections of the whole society, where a sullen grandee of the mixture will give a guinea for a tale that humours his designs, that will not part with half-a-crown to pay his just debt; and by this means all reports fly abroad with such winged speed as may flush the party to blazon them in all quarters of the town and country. And if they get a story by the end that looks a little a-squint upon the court, and yet is not in itself full enough of remark and wonder, the club vamps it with new circumstances of their own, alter, improve, and refine it, till they have made it foul enough to blacken the ministry. To this end they vouch it with grave nod and solemn face; they will talk shrewdly, and descant upon it with a thousand pretty conjectures; they will whisper in your ear some subtle and notable observation of circumstances; and with wise and politick forehead will suspect impossible plots upon the people's liberties; foresee unthought-of designs in the court to that purpose, and foretell strange and prodigious events that must necessarily follow; till by these and the like arts they make every false report able to walk alone, without the help of leading-strings, and maintain itself upon its own credit and reputation, till the public voice confirms it, and then you cannot for shame be so uncivil to demur upon the credibility of the brute, when it has received such an authoritative sanction. And yet if you would trace these streams to their fountain, you might as well seek the head of Nilus, which, though it falls with a mighty torrent, and overflows Egypt with its swelling streams, you must at last derive its original, as some of the ancients have done, from the mountains in the moon. So if a man would search for the authors of these malicious, but fabulous relations, he shall be sure to have them fathered upon some very credible persons without names, who had them from John-a-Nokes, who had it from John a Stiles, who had it from nobody. And if you will observe and examine all reports that bear the stamp of the intermixture, as Chrysippus did the oracular lies of Apollo, you will find, as he did, not one in five hundred that are not apparently forged and counterfeit; and therefore I shall take my leave of them in the words of a late poet:

" For shame, give o'er these senseless lies,
The very mob sees the disguise
Of your dull shams and fears;
In vain you employ them as a blind,
While we perceive you have a mind
To set us by the ears.

" Britain, which does to Cæsar own
Her liberty, is wiser grown,
Then these stale arts give o'er;
We know your wry, distorted faces
Are nought but tricks to get you places,
And won't be bubbled more.

" While Cæsar does the throne sustain,
You rail at monarchy in vain,
And idly think to rump it;
Though faction common good pretends,
To serve their undermining ends,
We'll cart their common strumpet."

A careful shunning of impostors and make-bates, and leaving them in the clouds they have raised, is therefore the duty of every good subject, lest, assisting the seditious in their vexatious contrivances against the government, you dash upon the rocks of offence, and ruin your present pretensions and future hopes. To avoid those dangers, study to be quiet; continue your allegiance to the king; be obedient to your equals, and civil to all men. The practice of these virtues will procure you friends, and imprint a belief in authority that you deserve their favour; it would be the best security of our privileges, of public good, and steady government. For there is in every virtuous and heroic soul such a sense of his subjects love and duty, that 'twould be an affront to the ingenuity of human nature to suppose that a prince can be severe upon a willing and obedient people.

A Letter directed to the Right Honourable the Earl of Perth, Governor to the Prince. 1700.

Die Lunæ, 17 *Februarii*, [*O. S.*] 1700.

This letter, which is passed over in silence by Bishop Burnet and other historians, was intercepted in the French mail of 19th February, N. S. and was instantly communicated to the House of Lords, and made public in order to excite a spirit of national defence and animosity to the French. It was fortunate for the court that they had such a counter-balance to oppose against the fears and jealousies which had been generally excited by the Barrier Treaty.

Upon reading this day a letter communicated to the house by his majesty's command, dated 18th February, 1701, and directed, To the Right Honourable the Earl of Perth, Governor to the Prince, These, It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Lord-Keeper of the Great Seal of England do give order that the said letter be forthwith printed and published.

Matthew Johnson, *Cleric' Parliamentor'*

Friday, 18th of February, 1701.

My Dst. Br.

Since I promised to put in writing what we had not time to talk fully of, I am set down to it in the morning, that my letter may be ready for the messenger, if any call.

I told you all that I had heard at Versailles, and the favourable audience I had of Madam de Maintenon, for which I beg it of you to return my most humble thanks to the queen, and beg of her to be so good as to thank Madam de Maintenon, and know from her what can be done in that matter. It will be a great charity in the queen.

I told you, amongst other things, the great fleet the king intends to put out this summer, the orders being given, and the money ready, the stores full, and every one concerned active in their stations. There is no doubt but this fleet will be master of the sea for some time, if not for all the summer, because the Dutch dare not stir till the English be ready, and they have long debates yet before they can be in a condition to act, if they have the will; and it is a question if they will have it at all.

The king never had so favourable a conjuncture, if he can persuade this king that his affairs are really in the circumstances they are in; but there is the difficulty.

The king and queen have more authority with the king, and with Madam de Maintenon, than any other in the world can have; but that's not all, there should be some one acceptable to the ministers, who should lay before them these proofs, their majesties cannot enter into the detail of, and explain the reasons, make plans and memoirs by their majesties approbation, to convince them of the necessity, and to shew the easiness of restoring the king, the glory it brings to their king, and the advantage to religion.

How this will be done their majesties are wise enough to consider, and I think it is not a subject fit for me to enter upon; but their friends in general, who know not the half of what I know in this matter, think that it will not be well done by a protestant minister, lazy in his temper, enemy to France by his inclination, tainted with commonwealth principles, and against the king's returning by any other power than that of the people of England, upon capitulation and terms, who is suspected of giving aim to the compounders, if not worse.

That Mr Carrell is qualified no man doubts, but in society with the other, these who must be instrumental will not trust him as he ought; so that so long as the other is within distance of penetrating the affairs, they will never think themselves secure.

And yet the king has no such game to play as by these very persons, who are thus diffident, namely, the true church of England party, the catholics, and the Earl of Arran; and I shall say something as to every one of them. The king cannot but be sensible that the true church of England-party, and their principal head, now the Bishop of Norwich, has been silent of a long time, and their majesties may remember what weight the court of France laid upon their joining the king, (I mean the non-swearing clergy) in case of a landing.

Therefore all arts should be tried without delay, to get them to enter into correspondence again, and every impediment ought to be removed, I say, without exception; and though sometimes it is of hard digestion for sovereigns who ought to be obeyed without reserve, to yield to the humours of subjects, yet prudence should teach them, when

they cannot, without hurting their affairs, do what they would, to do what they can; and remember the fable of the dog, who lost the substance for the shadow.

Assurances from the non-swearers, the soundest and venerablest part of the English church, would be of great use at this time, to persuade France to undertake this great affair; for besides their own example at a landing, and their preaching and writing to the people, that their religion was in no danger, it is most certain they know better than any others can, what the church of England in general would do for the king's service, and they being to run all the hazard, would be better believed at the court of France than any other, as I found by experience.

As to the catholics and others associate with them, unfortunately for the king, they were thought to have too much inclination for me, and so have been reckoned as useless to the king; but I must beg leave to say, that undertaking was the best feather in his wing, and was most justly thought so by him, and by the court of France too, even to that degree, they pretended if this and the other article concerning the clergy could be made appear, they would concur with the king to invade England. They consisted of seven regiments of horse and dragoons; their arms, trumpets, kettle-drums, standards, &c. were all ready, and are yet in surety; their men were all listed, and their officers chosen, and they had twenty horses to a troop, which troops lying at a distance in a horse-country, twenty horses would soon have mounted the rest.

Those who could not divine the greatness and the use of the undertaking, blamed the rashness of it; and even some churchmen have not been disapproven for endeavouring undutifully (because contrary to the king's written orders) to break the design; but I desire you now, for all this, to believe, that you have not such another argument to use to the court of France as this; and if you could make it appear, as it might have been done some years ago, I should have very good hopes of this summer's work. Nay, let the king have what other hopes, or even promises, you please from the court of France, this is to be encouraged, and, if possible, to be put in the circumstances it was in; for if ever there be a landing in England to purpose, it must be before they can be armed, and they cannot be armed before the parliament come to a resolution concerning the war; and, considering the few troops in England, suppose these men to be no better than militia, what a diversion would it be?

It is not necessary for me to say any more of this article, till I know whether their majesties have as good an opinion of this undertaking as I have. If so, I shall shew what I think to be done in it; if otherwise, I shall save the pains.

As to the Earl of Arran, it would be of great use to have an understanding with him. He will have none where ——— can pry; his all is at stake, and he ought to be wary with whom he ventures to deal.

I think it better for the king's service, that the court-party prevailed in the manner they have done in the parliament of Scotland, than that the country-party should have got their will. Opposition swells the waters to a flood, and so long as the country-party is not discouraged, they gain more ground in the kingdom than they lose in government. So that the disaffection to the government will increase; and one may judge of the nation in general, which is of another temper than this pretended parliament, or rather presbyterian rabble, ill representing the nation. For since even in it there is such a struggle against the government, what would there be in a free parliament, which the P. of O. durst never hazard to call?

The nation then, at least a great part of it, being disaffected to this government, it is of the last consequence that E. Arran may know what to do in case of an invasion of England, or in case he and his friends be obliged, for self-preservation, to rise in their own defence.

The army, who are, and ever were, well-affected, are to be gained by money; and a little goes a great way with them.

The disbanded troops would be engaged, and the officers are well-inclined.

The places of strength would be secured; and such as can be put in defence (without expences) fortified.

To do all this, at least such a part of them as can be begun with, a small sum will serve, and he ought to have hopes of it, and of the command.

These being only heads to be discoursed of, and much to be said of every part, it is not to be thought that this letter can carry a final conclusion; for it may be upon discourse, I might change my mind, or be more confirmed in, and see further.

This makes me insist again to you, upon two things, as appearing to me absolutely necessary to put things upon a right foot.

The first is the removing of all impediments out of the way, and sending all suspected persons to Champain or Burgundy, according to their goust.

And the second is of the last use, both to their majesties and the prince, which is the establishing of such a number, under no qualification, to talk of their affairs in their majesty's presence, with whom we can freely converse and propose what may be for their majesties service.

As for the first, it will be for the king's reputation, both at the court of Rome, France, and with all his true friends in England, for many reasons————

As for the second, it is according to scripture, "In the multitude of counsellors there is safety."

Nothing is so dangerous as first to determine what one will do, and then hear reasons against it, and imitate the deaf adder, who harkens not to the voice of the charmer, let him charm never so sweetly. Reasons against a resolution taken, offend, and the more force they have, they offend the more; whilst before the resolution be taken, reason has its effect, and the determinations are not the effects of humour and faction, but of prudence and justice.

If in any thing I fail, I'll swear it's want of understanding, and not of will. And I beg that their majesties may be persuaded, that it is not humour nor vanity, but their service, I have in my view, who am,

My dst. br.
Most humbly yours.

There are no letters from England; I expect and am promised———

I forgot to tell you, that the conjuncture ought to be improven so long as the court of France have the ill opinion of the Pr. of Orange's treachery, discovered lately in their hands.

Superscription.
For the Right Honourable the
Earl of Perth, Governor to
the Prince,
These.

An Essay upon the present Interest of England. By George Stepney, Esq. 1701. *To which are added, the Proceedings of the House of Commons in* 1677, *upon the French King's Progress in Flanders.*

Nulla est acerbitas, quæ non omnibus hac orbis terrarum perturbatione, impendére videatur.—Cic. Epist. Famil.

"George Stepney, Esq. of the family of Pendergast, in Pembrokeshire, was son of Sir Thomas Stepney, Kt. His father resided in Westminster, where Mr Stepney was born in 1663. Fortunately for him he received his education at that place, where a mutual regard commenced between him and Charles Montague, Esq.; indeed they were inseparables both there and at Trinity College in Cambridge. The latter, after various state employments, rose to be Earl of Halifax, and had equally with his friend a taste for letters. Montague, viewing Stepney with partiality, determined to graft upon the writer of some very indifferent poetry the diplomatic character. Stepney had compared James II., on his accession, to Hercules; but the two friends deserted the cause of James II. when William came over, and enlisted under his banner, where they made a considerable figure. This minor poet was sent in a public capacity to the courts of the Emperor of Germany, the King of Poland, and the Electors of Saxony, Mentz, Treves, Cologne, Palatine, and Brandenburgh; the Landgrave of Hesse; the Congress at Frankfort; and the States of Holland. These negociations employed his time from 1692 to 1706; but he had been appointed a lord of trade in 1697. There can be little doubt he would have been a serviceable subject, having been so much employed, had he lived longer, but he died at Chelsea in 1707, aged 34. The poems he published are now little known, and less read. As a statesman he seems to have had great powers, and was an amiable and accomplished gentleman. Mr Stepney was buried in Westminster Abbey, where there is a monument to his memory. The same zeal which friendship shewed him living has pourtrayed his character on the marble, with an attention to dates so numerous and minute as to overlay the inscription, and confound rather than inform the reader."—Noble, I. 175.

The peace of Riswick had scarce composed the differences of Christendom, when the King of Spain's sickness, who is at length dead without issue, alarmed it afresh. The uncertainty of who should succeed to the vast dominions he was master of, some of which furnish all this part of the world with gold and silver, could not but give great concern to all his neighbouring states and princes. The known competitors for this great inheritance were the present emperor, the dauphin, and the Prince Electoral of Bavaria. The former is by all owned to be the next heir male of the house of Austria, which has reigned in Spain near two ages, and would be allowed, even by the French, to have an unquestionable title, if the salique law, which excludes females from the government, were of force in Spain as it is in France. But that wise constitution in the French government prevails not amongst its neighbours, who will blindly persevere to give France the same advantage over them, which the church enjoys over the laity in popish countries, viz. that it may ever be acquiring, and can never alienate. The defect of it in Spain, will, I fear, cost Christendom very dear at this conjuncture, since it opens a door to the French pretensions; it being well known that the dauphin's

claim was by his mother, who was daughter to Philip IV., sister to the deceased king, and married to the present King of France immediately after the Pyrenean treaty; by which treaty, most solemnly swore to by both kings, the Spaniards thought they had sufficiently secured themselves from the French domination; and indeed so they had, if oaths or treaties, hitherto accounted the most sacred ties that God could enjoin, or mankind could devise, were of any force. For 'tis notorious, that Lewis XIV. and his queen did, upon their marriage, in the most solemn manner, renounce all pretensions that might accrue by it to them and their children upon the Spanish dominions. And 'tis as notorious that the same Lewis XIV. did, within these two years, order the Count d'Harcourt, his ambassador at Madrid, to assert the right of his son the dauphin to the Spanish succession. The occasion for his so doing was, that the King of Spain had made a will, declaring the Prince Electoral of Bavaria, the third pretender I mentioned, successor to the whole monarchy. The French ambassador obeyed his orders, and gave in a memorial, complaining of it as an injustice done to the dauphin, whom he asserted to have an undoubted right to succeed to that crown. The memorial I mention the rather, because it shews what a deference his most Christian majesty had at that time for the King of Spain's will. The young prince died soon after, which put a stop to the French instances, otherwise the peace of Europe might have been disturbed before the Spanish throne had been vacant. His death left the competition between the houses of Austria and Bourbon, and all the potentates of Christendom full of care for this great decision. The boundless ambition of the French king, who has been long observed to aim at universal monarchy, gave the world reason to fear that he would attempt the union of both monarchies, which, if compassed, would make it very easy to execute the remaining part of his vast projects. His power, so lately felt in a ten years war, waged against a confederacy of the most powerful states of Europe, made it evident that the emperor alone would not be able to defeat his enterprise, especially if we consider the advantages the situation of France gives him over his competitor, whose territories are not immediately contiguous to any part of the Spanish dominions, whereas France is not only contiguous to Spain, but separates it from the rest of the world, with no part of which, except Portugal, it can have any commerce otherwise than by sea; but the emperor has not a seaport, nor a ship in the world, and must, therefore, be beholden to others whenever he will attempt any thing upon Spain. Those others could be only the English or Dutch, they alone being able to cope with France at sea; so those two nations seemed to be under a necessary dilemma whenever the King of Spain should die, either to sit still and see the French quietly take possession of Spain and the West Indies, or to renew an expensive and hazardous war; unless some expedient were found out before the case happened, to satisfy the pretenders in such a manner as should be least prejudicial to ours and the Dutch interest. Such an expedient the treaty of partition was thought to be, and, as such, agreed to by France, the King of England, and the Dutch. The advantages which redounded to the French by the treaty, which annexed to their crown the kingdom of Naples and Sicily, with the provinces of Lorrain and Guipuscoa, besides some seaport towns in Italy, made it reasonable to believe they would have stuck to it rather than have ventured to draw on themselves another general war.

The king, who had the interest of England and Holland to manage on this occasion, was unwilling to engage 'em in a new war, which they would have been neither overwilling or able to sustain, if the King of Spain had died soon after the peace; and, therefore, thought it most adviseable to yield up to France such provinces of the Spanish dominion as would be least prejudicial to these nations. And such, 'tis evident, those above-named are, which if any one doubt, let him but consider whether the single town of Cadiz in French hands would not prove more destructive to us than all we have named, to say nothing of Flanders or the West Indies; all which, with the body

of Spain, could have been secured to the house of Austria no other way than by a war, or such a treaty.

I am not ignorant that many objections have been made against it; to answer all which were a proper task for one thoroughly acquainted with all the steps and transactions of that negociation, which I profess I am not, and I shall therefore, in vindication of it, only repeat, that it was designed and calculated purely to preserve the peace of these countries; which single argument ought surely to reconcile to it all those who were weary of the last war, who complained of the heavy taxes it occasioned, and of the great debt it hath left the nation loaded with, and who, out of their great tenderness to England, opposing all such equal and easy methods of raising money as would have kept us out of debt, took care the war should be felt, lest, said they, the king, whose ambition and delight was to head armies, might, by the ease he should find in paying them, be tempted to perpetuate the war.

If then the necessity of our affairs, flowing from the mistaken measures they took in furnishing supplies to his majesty upon land-banks, and other deficient funds, forced him to make a peace, which by this treaty he has endeavoured to perpetuate, will they find faults, and complain of the moderation of a prince, who has done violence to his own martial inclinations for the ease of his people? Or are the gentlemen I speak of on a sudden become such champions for the honour of England, and the interest of Europe, as to object that the continuation of a peace should not have been purchased at so inglorious a rate, as by giving up to France, Naples, Sicily, &c. whereby the balance of Europe would be greatly endangered, which 'tis our chief interest to support? If so, I heartily congratulate with them their new magnanimous resolutions, which they may soon have an occasion to exert, the treaty of partition being now quite out of doors; and the balance of Europe in far greater danger by the Duke of Anjou's accession to the crown of Spain.

But 'tis objected, that the danger we are now in is a consequence of the treaty, which compelled the King of Spain to make a will in favour of France. Now, granting this to be true, I appeal to any reasonable man, whether he ought from thence to infer, that we should sit still and suffer France quietly to reap the fruit of its perfidiousness. Does not experience teach us, that measures concerted with the greatest prudence, at least with the best intentions, do often fail of success? Or shall the falsehood of our enemies, which has defeated the end of a well-meant treaty, furnish us with an argument to neglect our own safety? I hope no Englishman will reason so extravagantly, nor be so blind, as to revenge upon himself and his country a supposed mismanagement of the court; were it not far better, if on all sides, waving an invidious retrospection of past miscarriages, we consulted with as much unanimity as our common danger requires, what measures are to be taken for our future security?

That we are in the greatest danger of losing our trade, our liberty, and our religion, will hardly be denied by any man who will seriously reflect on the consequences likely to attend the present union of France and Spain, unless he can suppose the French king's ambition satiated with this great success; and that as his power to do mischief shall increase, his ill will to us, and his hatred to our religion, shall be lessened. Or will it be said, to remove our fears, that he shall have no influence on the Spanish counsels; that the interest of France and Spain will remain distinct; and that the new king, forgetting his country, his obligations to his grandfather, nay, and his own interest, (for kings and their people may sometimes have different interests,) shall become a perfect Spaniard, and cultivate the old alliances of his crown? Will the examples of the dukes of Burgundy formerly, and of the dukes of Holstein, who proved the most bitter enemies to the houses of France and Denmark, of which they were descended, be alleged as proofs that brothers and kinsmen, when princes, do not agree better than mere strangers. This argument, I own, may be of force to prove that hereafter the

French and Spanish branches of the house of Bourbon, if they continue separated, may have quarrels and bloody wars. Nay, 'tis very likely that the descendants of the Duke of Burgundy (if he have any,) may, after their grandfather's example, protest against the validity of his renunciation to the Duke of Anjou: But 'tis our misfortune that ten years good agreement between the grandfather and grandson may do our business, and that the differences which may fall out afterwards between the two branches of the house of Bourbon will come too late to retrieve our lost religion and liberty.

It behoves us, therefore, chiefly to take care for the present, and to consider whether it be not most likely that nature and education, backed with the strongest ties imaginable of gratitude to a grandfather, who has not stuck at violating two most solemn treaties,[1] and hazarding a war, which may prove the ruin of his own country, and to a father who has renounced his own right to aggrandise this new king, will not incline him to have the utmost deference for his benefactors. Or should we suppose him so very a king as not to be acted by any principles of nature or gratitude, we must believe him also very blind to his own interest if he does not see that he will for a considerable time stand in need of his grandfather's aid and protection, to secure both himself and his new dominion against foreign enemies, and those intestine disturbances which generally attend changes of government in all countries. The fear of the French arms induced the late king's council to dictate a will in favour of a Frenchman, and has compelled the Spaniards to acquiesce in it, and so consequently gives to the Duke of Anjou's title all the strength it has: Let that fear be once removed, and 'twill be impossible for him to defend Milan and Flanders against the emperor, or even the body of Spain, in the condition 'tis now against the Portuguese.

Which makes it evident that he cannot depart from the protection of France without pulling on himself manifest ruin: And the continuation of that protection he will certainly enjoy no longer than while he deserves it, by the most absolute compliance with the directions he shall receive from thence. If he prove an undutiful child, and be refractory, will it not furnish the dauphin with a pretence to assert his own title, and invade Spain with the whole power of France, while the emperor endeavours to lop off some limb?

Would he not, besides, cut himself off from all hopes of succeeding to the crown of France, the prospect of which is not so remote as not to deserve his consideration. The Duke of Burgundy has no children, and 'tis generally thought in France that he will have none; till he have a son, I am sure 'tis the present King of Spain's interest to be a Frenchman, and most dutiful to his grandfather and father, especially since kings are allowed to have a power of disposing of their crowns by will; and, consequently, that upon any disgust given his parents, his youngest brother, the Duke of Berry, might be declared heir to the crown of France to his prejudice, as he has been to that of Spain to his father's and elder brother's.

It would be a wrong offered to the judgment of any impartial reader, if I should further insist on this argument, which but too plainly at first sight evinces the truth of what I would assert, to wit, That the Duke of Anjou will enjoy a kingship for some time purely titular, and be in effect no more than a crowned viceroy to his grandfather.

Yet if any man require a stronger proof of what I here advance, I send him to the French king for conviction: His preference of the will to the treaty of partition resolves the question. For since 'tis well known that the strongest lust of old tyrants is to extend their despotick empire, and that, notwithstanding he has disdained to accept of kingdoms, which, by adhering to the treaty, he might have annexed to his crown, can we suppose that he had less prospect in view than at present to govern the

[1] Pyrenees, and that of Partition.—*Orig. Note.*

whole monarchy of Spain, and of taking such measures as shall hereafter annex that empire to his own, or at least the most considerable members of it?

Now if it be granted that he has obtained that end, as it must necessarily be if England, by acquiescing to the will, abandons her allies, and suffers the new domination of France to take root, let us impartially consider whether, after such an accession of power to a prince, already too formidable, the loss of our religion, liberty, and trade, (as I have already said,) does not seem inevitable.

That it is the interest and desire of the French to destroy both the Dutch and us will easily be allowed, since 'tis we who for a long time have checked their pride and disappointed their ambitious designs. Our maritime power is terrible to her, nor will she readily forget the affront received at La Hogue; besides that king's affectation to be the champion of popery, and his usage of our protestant brethren in his dominions, tell us sufficiently what we are to expect from him.

The same superstitious principle will not fail to make the Spaniards concur cheerfully with any measures he shall propose to ruin our trade, which, being the great source of our wealth, is consequently the greatest support to the protestant religion, so much abhorred by them. And what opportunities they have of doing it, is but too obvious to any man that knows what a vast coast they possess in both worlds; to say nothing of the Streights-mouth, which, with the help of a French fleet, they command absolutely.

Nor is there any thing to hinder the French from monopolizing the wool of Spain, which would at once destroy our fine drapery, which perhaps is the only considerable manufacture in which we have no dangerous rival. What proportion this part of it bears to the whole I cannot determine, but certainly it is very considerable; since, besides the vast quantities of it exported to Turkey and Persia, we vent considerably of it every year to Hambourg, Holland, &c. whereas we shall then be obliged to supply ourselves with it from France for our own consumption.

Besides, can we doubt that whenever the French shall desire it, the Spaniards will clog our trade to Spain with such exorbitant duties, and give us such other trouble and vexations, that we shall be obliged to quit that gainful commerce, which will be engrossed by France, where all the money that comes from America will then centre, in return for the linen and woollen manufactures it will be able to supply their Indies and Spain withal. What if, besides these advantages, all the French subjects shall be naturalized Spaniards, and, as such, have liberty to trade freely from France to the West Indies? Is it not evident that this single privilege will enable them to under-sell us, though we should be allowed to trade on our old foot to Cadiz, and that consequently 'twill carry all the treasure of the new world to France? Or can we promise ourselves the continuance of that most beneficial trade carried on of late years by connivance from Jamaica, directly to the continent of their America? Can we, I say, promise ourselves any indulgencies of that kind from the Frenchified Spaniards, who will be governors in all their ports?

I might dwell much longer on this subject, but after what has been hinted, I appeal to any reasonable man, whether 'twill not be in the power of the French king to impoverish us more by a ten years peace, as things now stand, than 'tis probable a war of the same continuance would do?

When this mischief is felt, 'twill be in vain for us to repent our mistaken measures, in having preferred an ignominious and destructive peace to a war, which might have been made with advantage, safety, and glory. And if we shall then attempt a war against an enemy, whose wealth will be increased in the same, or a greater proportion than both ours, and the Dutch will be lessened, 'twill be too late, since we shall be destitute of those allies we first deserted, and shall have suffered such a diminution of our power at home, that 'twill then be madness to provoke an enemy so much above our

strength. But there is no fear of our being guilty of such rashness; we shall then have learned humbler thoughts, and think ourselves happy if that invincible monarch will allow us peaceably to enjoy the product of our own island. But even that will in all probability be denied us, and the continuance of that inglorious peace, which many are now so fond of, must be purchased at the expence of our religion and liberty.

The abdicated prince will be imposed upon us, and, if we are stubborn, we shall be used as traitors to God and our lawful king.

That the French king will attempt to re-establish that family will easily be agreed to, if we consider that nothing can be imagined so agreeable to his interest, his resentment, his ambition, and his blind zeal for popery. To his interest, by humbling a free and powerful state, the liberty and flourishing condition of which must be great eyesores to a tyrant who would have all people as miserable as his own subjects, that they may more easily endure their slavery; to his resentment and interest, by revenging himself upon those who have proved the main obstacle to his long-courted universal monarchy, and who, till they shall be humbled, will continue to be so. His ambition, 'tis well known, was never since his reign so foiled as by his forced compliance to own our present king, after a ten years war to support King James, whose interest he had so often publickly declared he would never abandon. And 'tis now the common discourse in France, that nothing is wanting to complete the glory of Lewis the Great, and to raise his name above Charlemaign's, but the re-establishment of the King of England.

When, therefore, to these considerations we add, that instigations will not be wanting from Rome to prosecute so pious and religious a work as the reduction of England to the catholick faith, (for that wise court will not only find its interest by our conversion, but will secure the peace of Italy, which is its great aim, by procuring such a diversion of the French arms,) when (I say) we consider all these matters seriously, we must be very scepticks if we can doubt that such a design will be set on foot as soon as there shall be a prospect of its being carried on successfully; that if as soon as we, by acknowledging the new king of Spain, and by refusing to assist the emperor in his just pretensions to that monarchy, shall have forced both him and the Dutch to make the best terms with France for themselves, which, in their forsaken condition, they can obtain. From that day will cease the confidence so necessary to be kept up between us and our old confederates, and we shall stand upon our single bottom, exposed to the joint attempts of France, Spain, and Flanders, nay, perhaps of Holland too, if we, by deserting them at this time, shall either expose them to be conquered, or drive them to a necessity of securing themselves from that ruin, by throwing themselves into the protection of France. I ask any reasonable man, whether it is probable that in such a condition we can be thought able to withstand their joint attempts, divided as we are at home, and not so secure of the affections of Scotland and Ireland as were to be wished?

So that in our present case I do not take the question to be, Whether we shall have war or peace? but, Whether we shall, with a good grace, begin a just and honourable war, with the assistance of powerful allies, or by declining it shamefully at present, be forced in a short time, for our own defence, to make it with the utmost disadvantage? Every honest Englishman will readily answer this question when so stated, and conclude for war.

If it be objected that the question is not fairly stated, one of these three things must be urged against the foregoing argument; either that France and Spain will not attack us, nor endeavour to re-establish King James and popery:

Or, secondly, that if they should jointly attempt it, England alone would be able to defend itself against them:

Or, lastly, that though they should attack us, we shall find confederates able and willing to assist us.

As to the first objection, viz. That France and Spain will not attempt us, I think enough has already been said to prove, that it is the interest and desire of France; it remains, therefore, only to consider whether it be not most probable that Spain will concur to an undertaking so meritorious, according to the bigotted principles of that people, whose blind zeal will, on such an occasion, be roused and animated by all their priests, and other emissaries of the court of Rome: Besides, let any man reasonably shew how their present king and ministry can deny to France this, or much more, if required. It is by France, as we have already observed, that the Duke of Anjou must reign, his ministry be supported, and their monarchy be protected, all which will make their dependence so absolute upon that crown, that they dare refuse nothing; but 'tis needless, by argument, to confirm matter of fact; they have already outrun our fears and jealousies, nay, even the desires and hopes of the French king, who has not at this time in France vassals more servilely devoted to him, than the Spanish council has shewn itself to be by its late precipitate measures.

The Spaniards will moreover, by so doing, satisfy their resentment conceived against us for having presumed to divide their monarchy; for with what disdain and indignation they received the Treaty of Partition is apparent from the measures they have taken to elude the effect of it, since, to preserve their monarchy entire, they have received a king from France, and thrown themselves into the protection of the hereditary enemy of their monarchy and nation.

I pass now to consider the second objection, which I heartily wish could be made good, viz. That England alone will be able to defend itself against the united force of France, Spain, &c.

I have as honourable an opinion of my country as any man, and do truly believe, that if by an absolute composure of our intestine jealousies and divisions, these nations were put in a condition to exert their full strength, they might give work enough to whatever power should dare to invade them. But since such an union and mutual confidence is rather to be wished for than be depended on, and since we are wrangling and disputing in whose hands 'tis safest to trust our arms, and are only agreed in this, to have neither a standing force nor a well-regulated militia, we can hardly be thought to be in a good posture of defence. I would not here be mistaken, or thought to be arguing for a standing army; on the contrary, I know that in many ancient governments the whole body of the people was so trained and disciplined, as to answer all the ends of the best disciplined army; and 'twere to be wished that the people of England had virtue enough to put themselves on the like foot, and that our nobility and gentry, remitting something of their present ease and slothful luxury, would vouchsafe first to be taught themselves martial discipline, and afterwards, with a generous emulation, would instruct others. If such a spirit were once seen amongst them, the people would readily follow their example, and it would in a little time be thought no hardship, nor any way inconsistent with the liberty of the subject, if every man were obliged to spend two or three years of his youth in qualifying himself to defend his country; the sword being thus in the hands of the people, could never be employed to their disadvantage, and the nation would be secure from all foreign attempts, since no enemy would prove so adventurous as to attack so populous a country as England, where every man would be a soldier. But till some such method be taken, I do not think 'tis reflecting upon my country to say, that we should be hardly put to it to defend ourselves by our present militia against so formidable an enemy as we shall have to deal with. I ask them, if any prudent man would chuse to hazard all that is dear to him upon dubious events, when 'tis in our power, by a timely resolution, to prevent our enemies, and make their countries the seat of a war, which must otherwise be brought into England.

Or granting that we should, upon such an emergency, defend ourselves with so much

unanimity, valour, and good fortune, as to repel their first assault, what will become of us when our trade is lost? Or will our fleets avail us aught, when all the ports between Ostend and Sicily shall be shut against them? For 'tis certain, that in such a conjuncture, neither Portugal, nor the little Italian princes, will dare to receive our fleets, when every ship that would pass the Streights must either fight its way, or pay toll, and when our West India navigations will be rendered extremely dangerous by the number of men-of-war and privateers, which our enemies will be able to maintain along the vast continent they are masters of in America; when, I say, the sinews of war will be cut off by such a diminution, if not a total loss of our trade, must not our maritime power fall of course, and our island, by consequence, grow every day more defenceless, and exposed to fresh attempts? Let us then look about and see what assistance we shall find abroad in our distress.

This leads me to the third objection I proposed to consider, viz. That though England shall acknowledge the new king of Spain, and refuse to assist the emperor in his pretensions to that crown, we shall, notwithstanding, find confederates to assist us, whenever France and Spain shall endeavour to force King James and popery upon us: the contrary of which I fear will be too easy to be proved.

War being in itself an evil, and no ways desirable for its own sake, 'twill easily be granted, that no wise state or considerate prince will engage in it, but with a prospect of shunning some greater evil, or of gaining some advantage so considerable as to compensate for the mischief which necessarily attends it. If, therefore, we consider, first, what advantages the emperor proposes by this; then who will probably be his allies in it, and what motives will induce them to assist him; and that it be shewn afterwards, that our refusal to join with them will defeat all the hopes of the success they aim at, it will, I think, follow naturally, that none of them will hereafter be over-forward to undertake for us what we shall now refuse to do for them, especially if the assistance we may hereafter desire of them will no way answer the end they now propose, but, on the contrary, will expose them to far greater hazards than we should now risk by coming into their assistance.

To begin then, the emperor hopes by a war, with the assistance of his confederates, to get the monarchy of Spain for one of his sons, a prize certainly worth contending for. He hopes in this pretension, to have for allies all those who were guarantees of the Pyrenean Treaty, that is, most of the princes and states in Europe; and if the reasons which gave a foundation to that treaty, and particularly to that article of it where Lewis XIV. and his queen did renounce all future pretensions upon the Spanish dominions; if, I say, the same reasons specified in that treaty do still subsist, (which will hardly be denied,) the emperor seems with justice to demand of the guarantees that they will make good their engagements. But because treaties of late are found to be a very weak security, let us consider what more particular interests are likely to engage many potentates to assist him.

First then, 'tis probable the whole body of the empire will assist him powerfully, since, besides the reasons common to them and to other powers, as their being guarantees of the Pyrenean Treaty, and the general interest to keep the balance even, if possible, between the two great houses, the emperor has a claim to Milan, which it concerns them to assert, it being a fief of the empire, and by consequence, upon default of heirs male, it must return to the empire,[1] without the consent of which it cannot be alienated; insomuch, that though even the archduke had been called to the crown of Spain by the late king's will, he could not have enjoyed Milan without a new investiture from the emperor: And such is the constitution of the empire, that every prince and state is obliged to assert their own with the emperor's right in this case. The great

[1] Vid. *Guicherdin, Phil. de Commenis lib.* 1. *Tractatus varii de Principibus Italiæ* 2 Ed. D. P. 163.—*Orig. Note.*

security of each of them consisting in the obligation they are all under to defend each part of the empire, and to suffer no alienation from it, but by their own consent. And whoever should oppose in a diet their joint endeavours to assert that right, may be put to the bann of the empire, and be deprived of his estates: examples of which some of our royal family transplanted there may furnish us with. Some princes of Germany are yet under stricter engagements to the emperor; as the King of Prussia and Elector of Hanover, who, in return for their new dignities, have obliged themselves to furnish, on this occasion, considerably more than their quotas. The circle of the Lower Rhine is highly concerned to keep the French out of Flanders, since the countries of Liege, Cologne, Mentz, Treves, Juliers, and Cleves would be extremely exposed by such a neighbourhood; there being reason to apprehend that the French king would thereby be tempted to endeavour at making the Rhine the boundary of France, as it was of ancient Gaul. And if we take a view of the whole empire, we cannot doubt but 'twill act in concert, since all the great powers of it are known to be absolutely in the emperor's interest; and should any petty princes have a mind to gainsay, a majority in the diet concludes them.

The emperor has great reason to hope, that three other potent nations will assist him vigorously for their own sakes, their honour as well as safety evidently requiring it: All three have been treated by France with so much indignity, their present circumstances are so much alike, and the danger with which they are otherwise very nearly threatened is so much the same, that I shall not part them, as I wish they may not separate from each other at this critical juncture.

It will easily be understood, by what has been said, that I mean England, Portugal, and Holland: over the two last the King of Spain pretends a right of sovereignty, as the King of France keeps at St Germains some who have the like pretensions upon us. The trade of all three becomes, by this junction, equally precarious; or, if there be any difference, 'tis to the disadvantage of Holland, since the French, who are now become their neighbours in Flanders, may with great ease open the navigation of the Scheld, and restore the commerce of Antwerp to its ancient lustre, to the utter ruin of the Dutch.

Holland and Portugal, in one respect, seem indeed to be more exposed to their enemies than we, since they are upon the same continent with them; whereas our azure ramparts keep them at a greater distance; so that all the reasons urged to make England apprehensive of this union, ought more strongly to influence them.

If any man shall object, that the conformity of religion is a security to the Portuguese against the Castilians, let him consider what an inbred hatred there is, and has been for some ages, between those nations, and how much the indignation of the latter will be increased against a people deemed their vassals, for their presumption in having concurred with us to dismember their monarchy, and he may then change his opinion. It seems therefore indispensably to be the interest of these three nations to assist the emperor in dethroning the Duke of Anjou, since they have no other means to secure the independency of their governments. The English and Dutch are yet more nearly concerned, since, upon their refusal, the loss of their religion (which ought principally to be considered) must follow that of their liberty.

Whether the northern crowns will be engaged in this quarrel, or contribute any thing more than their quotas, as princes of the empire, is uncertain. The young Swedish hero has his hands full already; but 'tis not impossible that he may soon make a glorious end of his own war, and then come or send to our aid, in return for the good office we lately did him: this we may be sure of, that we shall not have both those crowns either for or against us.

The Duke of Savoy we must believe to be very uneasy; and 'tis probable that he desires nothing more than such an opportunity to declare against France as will not

expose him to manifest ruin, which would certainly be the consequence of his declaring for the emperor before there be a power in Italy to support him. But if the least favourable success of the league should ever open him a door to come into it, we cannot think him so blind as to stand out, for the following reasons:

First, Because 'tis his interest that there should be a power in Italy to protect him against such ill usage for the future as his ancestors and himself have heretofore frequently received from France, which at present there is not, the Milanese being now full of French troops.

Secondly, The French being already possessed of those countries near him, which are to be fought for, and being not of a temper to part with any thing till they are forced to it, 'tis not probable that they will give him any share of their new acquisition; whereas the emperor, who is not yet possessed of any thing in Italy, and whose interest it is to engage that duke, will easily be brought to make him considerable offers, and to bestow a great part of the Milanese on him, if the war he is about making prove successful.

The other powers of Italy will probably be neutral, and do all they can to avoid taking any side, till they are forced to it by the strongest party.

The Switzers also will be lookers-on, and sell troops to all buyers; and the most that can be expected from their zeal to the publick interest, even among the protestant cantons, is, that they shall sell their troops five per cent. cheaper to us than to France.

Having thus taken a short view of the great powers in Europe, and considered which of them will probably be induced to espouse the emperor's quarrel, and what will be their motives for so doing, to proceed in my argument, I am to shew, that without the assistance of England the emperor and his other confederates will not be able to compass the end they propose.

That end I take to be the dispossessing the Duke of Anjou of the whole Spanish monarchy; or at least of Spain, the West-Indies, and Flanders, and placing the archduke in his room. That a war ought not to be undertaken with any less prospect is evident from this reason, viz. That nothing less than such a success can answer the main prospect of the confederates; for so long as the French shall rule in Spain, which necessarily carries along with it the dominion of America, can England, Holland, and Portugal (but Portugal chiefly) think their liberties secure, and their trade not merely precarious? Or so long as the French shall remain in Flanders, will not England and Holland, and all the princes bordering on the Rhine, think themselves in the greatest danger? The Commons of England certainly reasoned thus in King Charles the Second's time, when so many addresses were presented by them: And the many millions given by them in this reign for the same purpose, do sufficiently justify this opinion.

The emperor and his partizans will, I believe, carry the thing further, and say, That so long as the French shall have Naples, Sicily, and Milan, the balance will be too much on their side, even though an Austrian prince were possessed of Spain, Flanders, and the West-Indies.

Supposing then that the design of the confederates is by a war to dispossess the new French King of Spain, it is asked, Whether, without the aid of England, 'tis probable they can succeed in that undertaking? To which question, I am confident, that all who are against a war will readily answer, No; and probably ask, Whether, with the assistance of England, 'tis an undertaking possible to be compassed? That question I mean to consider in another place: And since 'tis sufficient for my present purpose to have it agreed to, that without us they will in vain undertake such an enterprize, I will, with my adversaries, take it too for granted, and from thence conclude, that since our refusal to join with him will defeat all the hopes of the success they aim at, it fol-

lows naturally that none of them will hereafter be forward to undertake for us, if we stand in need of their help, what we shall now refuse to do for them.

But because it may be objected against my conclusion, that resentment and passion ought not to influence the councils of wise governments, that particular piques are ever sacrificed to the interest of state, and that therefore the powers above-named, finding it to be their interest, may be induced to assist us hereafter in our distress, notwithstanding the dissatisfaction which our present desertion of them may occasion:

To remove the force of this objection, let us particularly examine what powers 'tis reasonable for us to expect will engage in our defence. Will the emperor turn champion for the protestant religion, and the liberty of a people who will have so highly disobliged him, when his hope of preserving the Spanish monarchy in his family by our assistance will be for ever defeated, which hope was the main reason that has kept him our ally so long? Is it not more reasonable to apprehend, that the pope may mediate an accommodation between him and France, by intermarrying, or procuring to him perhaps some province, which is more than he can ever, by his own force, wrest from France, if he should obstinately make war by himself? On the contrary, such a war would ruin him, and disable him from assisting us ever, if he should have the will to do it.

Can any protestant, without horror, reflect on the fatal consequences which would attend such an accommodation? I shall not, for brevity's sake, repeat any thing on that subject, which several pamphlets have already taken notice of, but proceed to examine from what other allies we may hope for assistance.

As for the protestant princes in Germany, 'tis not sure that they will preserve themselves free; or, if they do, is it probable that they can give France such a diversion as would be necessary to save us, especially when such an alliance would furnish the emperor with a pretence to forward so holy a work as the destruction of heresy, towards which design 'tis most probable that his zeal and ambition will then direct him, when his other great hopes are vanished?

The northern crowns are too remote and too poor to give any timely or effectual aid.

'Tis highly probable that the Hollanders will be able to preserve their government no other way than by throwing themselves into the protection of France; and in this case their whole power by sea will be always ready to act against us at the will of France; and their situation will besides cut us off from all communication with Germany. But if any one can suppose that they will be able to preserve their government upon easier terms, it must be so precariously that they will not dare to give the least jealousy to their watchful neighbour by coming to our relief.

From these considerations 'tis, I think, evident that if ever we want help, we shall not find allies able or willing to defend us. But it has been proved in the foregoing part of this discourse, from the consideration of the interest, will, and power of our enemies to attack us, and from our inability to defend ourselves, that we shall stand in need of alliance; therefore the conclusion is too plain, we shall be a prey to our enemies.

Having thus, from principles which to me see undeniable, shewn what will be the necessary consequences of a peace, viz. The utter ruin and destruction of our trade, liberty, and religion, I would proceed next to offer some thoughts concerning a war, but that I have lately heard of an expedient proposed by some to salve all, without the hazard and expence of it. The rank of the persons I heard quoted for it, and the approbation which I found it met with from some who pass for men of good understandings, induced me to offer it to the consideration of my reader. But I do, beforehand, beg their pardons, if, after having thus raised their expectations, they shall judge

it to be the mountain's birth. 'Tis proposed then, for our security against the dangers we apprehend, that a treaty shall be made with France and Spain, wherein it shall be expressly stipulated, that neither of those crowns shall make any innovation, or give the least disturbance to our trade. On the contrary, 'tis said that France is so desirous to preserve the peace of Europe, that, rather than disoblige us, 'tis to be hoped they will condescend to make new treaties of commerce with us, more to our advantage than those which now subsist. It shall be moreover especially provided, that no attacks shall be made on the Hollanders, who, for their greater security, shall be allowed to maintain garrisons in some of the strong towns of Flanders, which, being in Dutch hands, will be so many pledges of the punctual execution of whatever shall be agreed on; and to enforce the more the religious observation of such a treaty, we are to put ourselves in a posture of defending ourselves against any breach thereof which our enemies might offer.

Now, of such who propose this noble expedient, I will crave leave to ask one question, that is, who shall be guarantee of such a treaty? It must either be God or man. But if the French would have accepted of God Almighty for guarantee of their treaties, or be bound by the reverence which even heathens pay to oaths, they durst never have broke the Pyrenean Treaty, which perhaps was the most solemnly and religiously covenanted of any that history mentions. From their violation of that, and, I believe, we may truly say, of all those ever made by their present king, 'tis manifest that the French exclude God Almighty from being guarantee of their treaties.

If man shall be guarantee of such a treaty, I demand who this man, or men, shall be? Will the emperor be one? But by the very state of the question we are supposed to have deserted him and his interest, and to have left him to shift for himself the best he can. Without him, is there a power in Europe sufficient to give the law to France and Spain united? Or, granting there be, shall we be sure that all the princes who must compose such a guarantee, will, on a sudden, reconcile their different interests, and engage themselves in a war to make it good, purely for the sake of two nations who will have set them a pattern to slight such engagements, by having so readily acquiesced in the notorious indignity so lately put upon them? Is it not therefore evident, that such a treaty will only expose us to the derision of our enemies, who, having thus clinched the first trick put upon us by a worse, will have reason to make sport of our fond credulity.

As to putting ourselves in a posture of defence, it can only mean increasing our forces by sea and land; that is, putting ourselves to near the same expence which would defray a war, to do nothing.

To evince more fully the insufficiency of any such project, and to shew, on the contrary, how subservient it would prove to the designs of those who mean to introduce popery and slavery, I will beg leave to make one supposition, which, for the better information of my reader, and for argument's sake, I hope I may be allowed to do.

Let us suppose then that France, ever watchful and ready to promote its interest in foreign countries, should have thought it advisable to entertain emissaries among us, whose business it should be not only to send over faithful advices of all that passes here, but likewise, by the credit they should endeavour to gain with the people of several ranks, to prepare the way for King James; and supposing that some Englishmen, either corrupted with French money, or acted by mistaken principles of zeal and loyalty, to what they call the right line, should prove base or blind enough to undertake such a part, how ought we reasonably to imagine that such men would act and speak? Do we not believe that in all their conversations they would cry up the advantages of peace? Would they not display their eloquence in setting forth the deplorable state of the nation, already exhausted by the great taxes of the last war, and made thereby unable to contribute towards the expences of a new one? Would not the peaceable dis-

position of the King of France, shewn by his willingness to purchase the peace of Reswick at a very dear rate, furnish them with specious arguments to prove that we have nothing to fear from an old prince, abandoned to the counsels of an older woman? If these or the like arguments failed of success, would they not endeavour to beget in people a diffidence of his majesty, by insinuating that we know not what secret practices have been managed between him and France? or how far both kings are agreed to enslave all Europe? That a sham war is necessary to blind folks, and to get a standing army, which is still the bottom of this whole design.

Such chimeras, whispered with a seeming concern for the liberty and good of England, might deceive the unthinking. But if any such emissaries, as I have supposed, should have had so much art and dexterity as to get access to his majesty's person and councils, how is it probable they would then direct their batteries?

If they had not to do with a prince whose great wisdom makes him as uncapable of mistaking his own and his people's interest, as his high spirit makes it impossible that he should ever condescend to any measures that might lessen that glorious character he is so justly in possession of, they would certainly advise such a treaty with France, and boldly press to have the Duke of Anjou owned King of Spain immediately. Their advice might be enforced by creating a diffidence of the parliament's readiness to vindicate the honour of his majesty, and to provide for the common security; which diffidence might be founded on this false ground, that because the Commons of England would not in time of peace keep up standing armies, nor overlook the many abuses put upon his majesty by hungry courtiers, who wanted not a stomach to swallow all the estates of Ireland, if their rapine had been tolerated: it should therefore follow, that the same Commons would not take greater care to prevent King James's making grants of all the estates in England; or that the same zeal that moved them to take such wise precautions to prevent our own kings from bringing in slavery upon us by standing armies, would not warmly inspire them with such vigorous resolutions as may disappoint our enemies, who would force it upon us from abroad.

If, by such misrepresentations of English parliaments, a jealousy of them could once be raised, more troops, and a treaty with France, were a ready salvo; nor would there be wanting precedents in our own history to back their advice.

But his majesty's sublime genius being such as would certainly awe the most impudent and corrupt counsellors from proposing such wicked and shallow measures, and which proved so fatal to his predecessor, let us consider what other mischiefs their surreptitious favour might enable them to compass. Why, we may be sure they would affect popularity, by talking against taxes, and arguing against the necessity of a war, which would have this good effect, that the multitude, judging of the situation of affairs by the countenances of those who were at the helm, and finding all about court serene and unconcerned, would conclude they were in no danger, which mistake they might be confirmed in by the unshaken and steady temper of his majesty, whose magnanimity, so often tried in great adversities, might, by the unthinking, on this occasion, be misconstrued as a certain symptom of security; whereas, it seems to import extremely at this juncture, that people be made thoroughly acquainted with their danger, lest by some hasty and precipitate resolutions, they put it out of their power to provide against it.

The same emissaries would undoubtedly obstruct, as much as in them lay, any offers made by his majesty, or his parliament, at repairing, if possible, the great loss this nation has had by the death of his royal highness the Duke of Gloucester, since the protestant successor, that should be appointed, might prove a rub in the way of the Frenchified family; besides, that the concurrence which his present majesty should give to such a provision for the settlement of our religion and liberty upon a firm basis, would entirely secure to him the affections of his people, and destroy the false and ma-

licious insinuations they and their partisans would suggest; as if his majesty had no farther concern for our safety, than during his own life; the contrary of which is so manifest, by the great things he has already done for us, that it argues an incurable perverseness to surmise otherwise. For should men deny this truth, our records will transmit down to posterity, with a multitude of wholesome laws, and constitutions, the memory of this illustrious hero, who never thought it beneath his kingly dignity to gratify the just desires of his people, even by the diminution of his own prerogative.

But such is the levity of mankind, that groundless suspicions are often received as clear proofs; and should the pensioners above mentioned prove so industrious and successful as to get the places of greatest trust filled with men, who thought their rightful master were beyond sea, whose nice consciences could never be reconciled to his present majesty's title, and who were known enemies to those popular principles, which gave a birth and foundation to our present government, and by which alone it can, for the future, be supported:

Would not such unexpected measures seem to authorise very extravagant jealousies, and might they not startle men the best affected, by making them apprehensive, that some such bargain were driving on, as our histories give us an example of in King Stephen? Would not the fearful prudence of many rich men incline them in such a case, to make their private peace, and to be reconciled to those who might become our masters, (for there are not wanting examples of men, who even, during a war, have made private treaties of peace with the enemies of their country) and would not the multitude, judging itself abandoned by those from whom it expected protection, be prepared without opposition to wait for a new revolution?

If it be true, that men paid from France, and directed from St Germains, would use such, or the like artifices, to bring about their wicked purposes, it is certainly incumbent on an English parliament, by taking opposite measures, to leave no room for such practices.

Our enemies desire to see such men amongst us advanced to places of trust and dignity, as are enemies to his majesty's person, and to that liberty he has so wonderfully secured to us. Since therefore the high state of kings make it difficult, if not impossible, for them, to be thoroughly acquainted with the principles of all those who have the honour to approach their persons, if ever it should happen that any such, with mischievous intentions, should insolently intrude themselves into posts of the greatest trust, does it not seem consistent with the allegiance and zeal a parliament ought to have for their prince, in the most humble manner, to lay before him the danger his person and government might be exposed to by a misplaced confidence?

The enemies of our religion and liberty wish that we may be as careless in providing for the succession of England, as our late allies the Spaniards were for theirs. Such an omission would furnish our good ally the King of France with a fair opportunity of shewing us as great marks of his friendship as he has done to Spain, by supplying us in time of need with a king of his own breeding up. What though he should exact of us to pay the charges of his education, and send us in a bill for the expence he has been at in attempting to restore him sooner, can we in gratitude do less than satisfy so just demands? And though we should not have ready money enough to pay immediately so just a debt, would it not be reasonable to give our obliging friend, the King of France, cautionary towns for a security, till it were punctually discharged; and to postpone, upon such a consideration, all the publick debts contracted in defence of an usurpation? Will an English parliament leave the least door open to such mischiefs? Sure it will not, but rather take warning from the example of a neighbouring nation, and take care that Count Tallard be not made a duke for services of the same nature in England, with those of the Duke D'Harcourt's in Spain.

If some provision be not made at their next session, will not our enemies both at home and abroad look upon such an omission as a tacit indication, that the nation is prepared to receive a prince that shall be nameless? And would not such a delay prove by so much of more fatal consequence to us, than the King of Spain's will did to that country, as that our religion runs the greatest of hazards by such a turn?

I know there are some, who would be thought protestants and freemen, who fondly flatter themselves, that a boy banished by England, almost as soon as born; who with his milk sucked in popery, and an aversion to England, which have been strongly inculcated into him till the age of thirteen by two most zealous, stubborn, and revengeful parents, will forget that his great-grand-mother and his grand-father had their heads cut off by the people of England; that the same people have twice forced his father into exile, deposed him, and reduced himself with both his parents to beg their bread in a foreign country; that, I say, forgetting all this, and laying aside all thoughts of promoting the same religion, and the same sort of government he has been taught in France, he will prove a defender of the protestant faith and the liberties of England.

Men so infatuated, God only can restore to their right senses by restoring him they wish for: Unless the sins of this nation should so far provoke divine vengeance as to bring such a revolution upon us, I despair these men can ever be persuaded of the necessity we are under to entail the crown of England upon protestants.

But lest any man of principles quite opposite, should be made a tool to them, and join with them in opposing the settlement of our succession, I beg leave to address myself to such as imagine, that when our present settlement is run out, a common-wealth may be set up, and are therefore against enlarging it. Their hopes I conceive to be ill founded for the following reasons:

First, Because there is a great majority against them throughout the people of England, nine in ten of which are for sticking to the ancient constitution.

Secondly, Because there are not ten common-wealths-men in England agreed upon any scheme or plan of government, for which reason 'tis impossible they should ever act with so much steadiness and unanimity as would be requisite. This truth is manifestly confirmed by the experience of that variety of governments which were set up successively after Cromwell's death; and which all ended in bringing in King Charles the Second of pious memory.

Thirdly, Because their adversaries would act in concert, being united under one head; and whatever may be objected against monarchy when settled, 'tis certainly, in turbulent times, the government most likely to prevail.

Fourthly, If by a common-wealth they mean a free government, and would be satisfied with the thing, though it want the name of republick, 'tis far more probable to attain that end by settling the succession, than by any other way; since it may be done with such limitations as will abundantly secure our freedom. 'Tis therefore to be hoped that the present parliament will take this matter into their serious consideration, and by complying with the earnest wishes of all honest men who expect it, defeat the artifices of our most dangerous domestick foes.

Our enemies wish the king may be disabled from resenting the most insolent affront put upon him, and that he may authorize their unparalleled perfidiousness, by acknowledging the Duke of Anjou; hoping that such a condescension may lessen that reputation of valour and wisdom, which has for so many years proved the greatest obstacle to their vast designs.

Is it not therefore to be hoped, that an English parliament will have a tender regard for the honour of a prince, whose reputation has hitherto stood us in such stead? For if so many princes of different religions and interest, as were confederated in the last war, armed in our defence, and by a perseverance scarce to be paralleled in any history, remained in firm union for eleven years, must it not be owned, that his majesty's great

genius first gave motion, and afterwards directed all the prings of the complicated machine? Shall not then the great council of our nation, when their advice is asked on this important affair, dissuade his majesty from making a step, which, by lessening his character, will lessen his power to do us good.

If I should say, that it nearly concerns the honour of England, as well as the king's, to resent the King of France's violation of the Treaty of Partition, I know it would disoblige some gentlemen, who are of a contrary opinion; because, say they, the people of England had no hand in making it. But of such I will ask, whether, though it had been ratified by the parliament, the King of France would have had greater regard to it? If not, and that France could not reasonably conclude, but that it would meet with a general approbation, which ought certainly to be supposed, till the legislative power had declared otherwise, it is evident, she has offered the highest affront to the nation as well as to his majesty.

If it be objected, that it would be of a very evil consequence, that the nation should be obliged to make good, at the expence of English blood and treasure, all such treaties as future kings may make, to the disadvantage of England; and that therefore we are to be no farther concluded by them, than our parliaments shall judge them to be for the honour and advantage of the publick; I answer, That no nation we shall treat with will, for the same reason, think itself bound by any thing stipulated with us, since whenever they shall be pressed to execute any treaty, which they shall think to their disadvantage, they may with truth object, that obligations, to be of force, ought to be mutual; whereas they can have no security of a compliance on our side, since 'twill be in the power of a parliament to disable our king from performing his part of the covenant.

If it be from hence inferred, that all treaties made between us and other nations signify just nothing, it belongs to our legislators to consider whether this be one of the many defects in our constitution, which 'tis their province to remedy; some provision against such cases for the future, is certainly more consistent with their wisdom at this dangerous conjuncture, than unseasonable cavils against the prerogative of a prince who has already done so much to better our constitution; that 'twill visibly be no fault of his, if under his reign it be not brought to the greatest perfection 'tis capable of being improved to.

Our enemies by a peace desire to secure themselves in an undisturbed possession of their ill-gotten acquisitions, and building upon our complaisance, and perhaps upon assurances given them from some English Portocarreros, are already forming projects to wrest from us our religion and liberty. And we, good-natured people, shall let the world see that Spain is not the only country where French money and artifices have prevailed over the national interest. Will not the parliament rather advise and enable his majesty once more to take upon him the glorious task of rescuing Europe from bondage, and setting bounds to the insatiable ambition of France?

How much such an enterprize, if it succeed, will redound to the glory, profit, and security of England, is needless to mention. It remains therefore only to consider what means we have to effect it; that is, what forces our confederates and we can bring to bear against France, and what she can probably oppose to us.

To begin with England, 'twill be allowed, that if she think fit to engage in a war, she can and will maintain a naval force; which, with the assistance of Holland, will be superior to that of our enemies in the ocean, the Mediterranean, and in America. The advantages which such a mastery at sea, well managed, may give us, are too many to be enumerated. That eight or ten thousand landmen on board our fleet, may frequently be of very great use, is likewise undeniable, and 150,000*l.* a year added to the present establishment of our guards and garrisons will enable us to spare such a force.

We are assured that the Emperor, before spring, will have increased the troops he

has on foot, which now exceed 70,000 men, to ninety-six thousand, of which seventy thousand will be employed offensively against France and in Italy. The remainder, with the militias of his hereditary countries, being a force more than sufficient to guard his frontiers. And we are likewise assured that a fund for the maintenance of them is actually settled.

The empire cannot be supposed to act with less than sixty thousand men, if we consider how many great princes of it are under strict engagements to the emperor; and that others, as the Elector Palatine, with all his ecclesiastical brothers, are most nearly concerned to remove the French from being their neighbours in the Spanish Netherlands. The King of Prussia and the house of Lunenbourg alone are known to keep in pay near fifty thousand men. It will therefore easily be allowed me, that if the whole empire will exert its utmost strength, it may bring into the field a far greater number, and there is no doubt but upon any emergency it will. But I would be now understood to speak only of such a force as will be constantly kept on the enemies frontiers ready for action, besides the garrisons which every prince will be careful to provide for his own security.

The Dutch have had on foot ever since the peace, forty thousand men, old troops, which, by filling up their regiments as they were in time of war, will in six weeks time make sixty thousand as good men and as well officered as any France can oppose to them. If that number be not thought sufficient for their defence, it is reasonable that England should assist them with a body of twelve thousand men at least, or money to pay such a body; or, by increasing our own naval force, and taking upon us a greater share of the war by sea, than was done last war, ease them of so considerable an expence as may be equivalent to such or a greater number of troops, which by that means they may be enabled to pay.

Thus we have already reckoned up above 200,000 men, against which France, if it mean to have any success, must have at least as many to oppose. For we have not found, during the last war, that she ever boasted of any advantage got over the confederacy with inferior numbers.

If, besides these, the King of Portugal be assisted by the confederacy, and that to the 20,000 men, which at least he is allowed to have on foot, 15,000 either Germans, English, or Dutch (though possibly popish troops would be most acceptable in that country), be added and commanded by the archduke in person, whom with such an army it must be our care to transport thither, let us consider how Spain will be able to oppose the impression such a force would make.

He that would form a just estimate of the power and wealth of Spain at this time, need only to consider that Ceuta has been besieged near ten years by not above five or six thousand rascally Moors. 'Tis true, sometimes there has been a greater force before it, but the greatest part of the time, the besiegers have not exceeded that number. And, to defend the place, Spain did within these four or five years desire the assistance of Portugal, which sent some companies thither, but they soon returned home half starved for want of the pay they had been promised.

Or, if we will look back to Barcelona, we shall find a town of that importance taken without ever having been besieged; for it never was so, properly speaking, the French army being not numerous enough to invest it, nor to hinder succours and refreshments of all kinds, or so much as the post from going in and out every day; notwithstanding which, and that the garrison as well as townsmen, defended it with great valour, it was forced to surrender, because all Spain was not in a condition to supply one single town with a sufficient garrison. And I am now credibly informed, that, excepting the German body under the Prince of Hesse, there are not six thousand men in all their country in a condition to march.

But 'twill be said, they may raise men, and have an army of their own, before you

can have transported the force designed for Portugal. To which I shall only reply, That men are not to be raised without money, and how much their government wants that is evident, by the difficulties they have been at to raise a sufficient sum for the reception of their new king; notwithstanding their utmost effort on such an occasion, we are told, that the greatest part of his Spanish family stayed at Madrid for want of it, and that those who did go to meet him, made the journey at their own expence.

Nor let any man believe, that their new king, had he the wisdom of his grandfather, can so soon reform that unhinged government, as to make it contribute any thing considerable to its own defence, especially if a war be carried into the bowels of it immediately. For 'tis certain, that Spain has submitted to this change purely for fear of a war, which it is in no condition to make. If therefore it find, that instead of quiet and ease, which was the end it proposed, it has drawn on itself a more severe war than France could have made, is it not to be hoped, that the people will soon be very weary of their new king? That when the archduke, a prince of the family they have been so long governed by, shall appear among them, he will have a number of friends? For 'tis hardly to be imagined, that the house of Austria, which has reigned there near 200 years, should so suddenly have lost all its interest in that nation, as to have no friends left, if they durst declare and had a head to resort to. If we consider the natural antipathy the people of Spain have to the French, this will appear more probable. And indeed, all things considered, it is not easy to imagine, that France has any friends there, except a court cabal. The multitude, tricked and betrayed by courtiers, and finding no assistance or protection at hand, could do no less than submit patiently. But if such an army as is proposed were ready to give countenance to their mal-contents, 'tis not to be doubted but that the archduke would soon be saluted king, and the French party either driven out of Spain immediately, or be obliged to maintain a great army to oppose the confederates, who would be daily strengthened by Spaniards joining them, and in all probability would be able to beat the French out at last.

Those who know how expensive the last war in Italy proved to the French king, and that the small army he there maintained against the Duke of Savoy, cost him more than his vast armies of Flanders, will easily perceive, that if he be obliged to carry the war to the frontiers of Portugal, it must prove much more ruinous to him, since from his own frontiers thither is a march of above 500 miles, over many mountains as rugged as the Alps, and through a country barren and dispeopled, and where such a force as he must bring cannot subsist without convoys from France.

If therefore he will send an army of force sufficient to keep the field against that of the confederates, which I suppose to be of above 30,000 men, he must have besides his army in the field near half that number dispersed at convenient distances to secure the march of his convoys and ammunition, which, for the greatest part of so long a tract, must be carried on mules backs over mountainous and narrow passes, where the very peasants may intercept and plunder whatever is not strongly guarded.

How prodigious an expence such a war must draw upon him, the most unexperienced reader will readily judge; and I believe I may with great modesty affirm, that forty-five thousand men, which I suppose him obliged to maintain there, will cost him much more than three times that number in Flanders. If to this we add, that the whole coast of Spain will lie exposed to the insults of our fleet, that we may perhaps take Cadiz by the assistance of our confederate army in Portugal, and put all Andalusia, the richest province in Spain, under contribution, it seems reasonable to believe that Spain, to be delivered from such mischiefs, will side with the confederates to drive out the French, who will not probably behave themselves towards the Spaniards so as to lessen the natural aversion they have for each other.

If to what has been said, it be objected, that the King of Portugal has acknowledged the Duke of Anjou, and that therefore he will not join with us,

I answer, That till he could be secure that England and Holland, who alone can assist him effectually against Spain and France, would engage heartily in such a war, 'twas the most advisable course he could take to court an enemy he could not singly deal with. But we cannot believe but that a prince, who passes in the world to have courage, must be highly provoked by the slur lately put upon him by the French, who having omitted no arts to engage him to be a guarantee of the treaty of partition, and promised him Badajos and Alcantara, two Spanish towns on his frontiers, have thus basely tricked him. The interest he has besides to secure his crown to his descendants, is an invincible argument for him to oppose the present union of France and Spain.

For as high a conceit as the Portuguese have of their own valour, they cannot be so extravagant as to think themselves an equal match to Spain, when it shall be governed by a wise and active prince, backed with the fleets and armies of France. The ease with which Philip the Second conquered them, and the assistance they stood in need of from France and England to support their last defection from Spain, though Spain was then engaged in a war with France, and that Catalonia was revolted at the same time, make it evident that their great security consists in having for their neighbour a King of Spain, who shall always have such a jealousy of France as may divert him from the thoughts of reducing Portugal, and against whom they may be sure to be assisted by France, if he should attempt it. Which whether they are to expect hereafter, it behoves them to consider now.

But is it not far more probable that the King of France, whom we may certainly conclude resolved never to part with Flanders (even though we would suppose him willing to part with the body of the Spanish monarchy) will propose the conquest of Portugal for an equivalent to the Spaniards; such an expedient will seem agreeable to the interests and inclinations of both those crowns. For France has for some ages looked upon Flanders as a province dismembered from its patrimony, as it really was by the Dukes of Burgundy, and it has been long aiming to re-unite it. And as for Portugal, its situation contiguous to the body of Spain, makes it of greater consequence to that nation, than a province so remote and exposed as Flanders. Besides, they will be pleased with the thoughts of humbling, by the help of France, those proud vassals they have ever hated, even more than their Dutch heretick rebels. Their having lately added Portugal to the title of their new king, contrary to what was practised by his predecessor, and the arms of Portugal having been in some scutcheons lately quartered with those of the other kingdoms of Spain, do sufficiently tell the Portuguese how the Spaniards are inclined to them.

These considerations seem then to put it out of dispute, that the Portuguese will not miss such an opportunity as now presents itself of securing, by our assistance, their future independency, by placing on the throne of Spain a prince, who will be so highly obliged to them for such a service, that he will never have any desire to hurt them; or who, should he prove ungrateful, will not have it in his power, since France will be ever ready to hinder such an increase of dominion as Portugal would be to the archduke, should he become King of Spain.

Taking it therefore for granted, that the powers above-named can, and will, bring such a force as has been mentioned, to bear against our enemy, let us consider how able he will be to furnish out so many land armies, and provide at the same time for the defence of a coast several thousands of miles in extent. To make as near as may be a true estimate of his wealth and power, I shall give my reader an account he may depend upon, of some particulars relating to his revenues, and the number of his forces at different times.

His whole revenue did, in the year 1666, amount to 126 millions of livres, which reduced to English money, according as the exchange went then, that is, reckoning

thirteen livres to the pound sterling, would make nine millions and about six hundred thousand pounds; it produced the two last years only one hundred and seven millions, which reduced to English money, according as the exchange has gone for that time, viz. at fifteen livres to the pound sterling, (which difference of the exchange has been occasioned by the raising the standard of his coin) make about seven millions one hundred and forty thousand pounds; by which computation 'tis evident, they are sunk above two millions four hundred thousand pounds sterling, that is, at least one-fourth part of what they were at the time before-mentioned; which plainly shews, that the people and wealth of France are decreased since that time, at least in the same proportion, since we may reasonably conclude, that the king's revenues have been managed as carefully, and collected as rigorously, in his late times of need, as they were heretofore.

The king's income is diminished in a far greater proportion, it being clogged with a debt of five hundred millions only to the Hostell de Ville, or Town House of Paris, for which he pays interest at five per cent. twenty-five millions, that is, near one million seven hundred thousand pounds sterling. He pays besides another sort of interest, by way of salaries, for a considerable multitude of new offices erected and bought, many of them since the beginning of the last war, which amounts at least to so much as will make the interest-money, already mentioned, exceed two millions sterling; so that he has coming in clear not full five millions sterling.

'Tis farther observable, that, since the peace, he has not paid one shilling of the capital, but instead thereof has taken up more money, which indeed has not increased the interest he pays, (unless it may be what he has borrowed these last twelve or eighteen months,) because he reduced the interest paid to all those who lent their money during his most pressing exigencies at six, seven, and eight per cent. to five, which defalcation he has appropriated to pay the interest of what he has since borrowed. 'Tis true, he has suppressed some of the erected new offices, which were most burthensome to the people. But how? Why, it being unreasonable that such as had assisted him with money during the war should be losers, he has graciously condescended that such provinces or towns as were most grieved by these offices, should repay to the persons possessed of them their principal purchase-money.

Before I say any more on this head, I will mention a word about his land forces, which, for some time during the war, are said to have exceeded 300,000 men, besides those on board his fleet. But since the last reduction, made about the latter end of the year 99, they were brought to be barely 120,000 men, and so continued till the King of Spain's death, just before which orders were issued for an augmentation to be made against January last, which was to have increased them to 156,000, and which is not yet fully perfected.

I know 'tis generally thought he was much stronger; but lists of all the regiments are to be had with ease, which, if regard be had to the reductions made at several times, will be found to agree perfectly with the account I give. Yet, notwithstanding so great a reduction of his forces, which ought to have lessened his expence, 'tis most certainly known that the very last year his expence exceeded his income one million sterling.

'Tis true, that, besides his ordinary revenue, he has had extraordinary ways of raising money; as the sale of offices already mentioned, frequently raising and falling the standard of his money, *dons gratuits*, which people are made to pay per force, registering titles of gentility, taxing partizans, that is, those who have had the managing of his revenues, who were last year forced to refund near a million sterling, and many other expedients, which, in time, we may be better acquainted with, if we are pleased to let him go on quietly; but these have all been so often made use of, that they will be

found to be of very small resource for the future in a country so much exhausted by them already.

What has stood him in greatest stead for some years during the last war was the capitation, which brought him in above three millions sterling yearly, and which he must again have recourse to: But how grievous an imposition that was thought, and how ruinous it must prove to his country, if he should be under the necessity of continuing it but a few years, I appeal to any who have been there, and heard the heavy complaints it occasioned. But a stronger proof cannot be required to shew how destructive the continuance of it would have proved, than that the king took it off; for his most Christian majesty has generally been observed to lay as great a load on his people as they could bear. Since then he was pleased to ease them of this tax, when he wanted not so specious a pretence to continue it as the great debts he had contracted, we may be sure he knew it could not be done without utterly ruining and disabling them to pay at all.

Having thus briefly touched upon the present condition of France, and having a little before shewn that France, if it will make a successful war, will, besides the necessary garrisons of his sea-ports, be obliged to maintain 247,000 men, viz. 60,000 against the forces of the empire, 40,000 against that part of the emperor's troops which will act on the Rhine, 72,000 against the Dutch, 30,000 against the emperor's army in Italy, and 45,000 in Spain: If, besides, attention be made to what has been said concerning the prodigious expence of his last Italian war, which he must again renew, and to the reasons there are to believe that the war he must make in Spain will be liable to the same and greater inconveniences, since the seat of war will be three times at least more remote from his frontiers than Piedmont was, will not the greatest partizan of France own, that here is work enough cut out for that great monarch, who must immediately raise or hire at least 100,000 men, and equip out a prodigious fleet? Or, if he will decline the expence of naval armies, he must considerably reinforce all his sea-port garrisons, and have a very great number of men to guard his coasts.

Then if it be true that his ordinary revenue fell short one million sterling of maintaining the ordinary expences of his government, and of 120,000 men, must not that million be made good, and must not near 200,000 landmen more, besides his fleet and the other necessary expences of a war, be defrayed out of the capitation, and out of such money as he must borrow? But out of the capitation, supposing that it may again raise three millions, there can be applied but two millions towards these vast extraordinaries, which, if, by a modest computation, we shall reckon at six millions sterling, it is evident that he must every year contract a new debt of four millions sterling, besides a growing interest, which, added to his already immense debt, must in a few years absorb the greatest part of his revenue in interest.

'Twill, I know, be objected, that the last war has shewn his power to be matchless; that he then maintained 400,000 men by sea and land; why, therefore, may he not do the same again? Why, for that very reason, because a man who has but one thousand pounds per ann. has for ten years together spent two thousand pounds yearly; does it therefore follow, that he may do so ten years longer? States in this resemble private men, that if they for a considerable time expend more than'tis possible for their subjects to furnish yearly, they may, nay, must, inevitably be ruined. And that a state may become bankrupt, Spain sufficiently witnesseth, which had once a fund of wealth thought inexhaustible, and without comparison greater than that of France.

If I should, in the sequel of this discourse, propose our paying five millions yearly towards a war, and our maintaining eighty thousand English or foreign troops abroad, because we did so during the last war, the weakness of such an argument would be obvious, and I should with justice be answered, that we have thereby contracted a considerable debt, which every honest Englishman ought to desire to see paid off rather

than increased. And yet the parallel will not fully hold between England and France; because England never has been, and, I hope, never will be, screwed up like France to pay to the utmost extremity of what it is able, and for that reason might, comparatively with ease, get rid of a far greater debt than it now owes. Whereas France, unless it shall by our inactivity get the West-Indies, will never be able to pay its principal debt, but daily increase it to its utter ruin, if we neglect not this favourable opportunity of pressing her before the monarchy of Spain, which is at present a burthen to her, be so modelled as to make their united power irresistible.

From what has been said I leave it to my reader to draw conclusions, being unwilling to forestal his judgment concerning the success of a war carried on in the manner proposed. His own sagacity cannot but suggest to him many reflections to the advantage of England, which are naturally deducible from the foregoing discourse. I shall therefore hasten to the conclusion of it, and only take notice of the most material objections which can be made against a war, viz.

Either the necessary expence 'twill draw on us, or the prejudice we may sustain by the interruption of our trade.

To the first I answer, that in the manner it has been proposed that England shall make a war, we may do it at an annual expence, at most of one million eight hundred and fifty thousand pounds more than would otherwise be levied. For we will take it for granted, that though we remain in peace, we should find it necessary to maintain at least as great a sea force as was done the first year after the peace, that would cost us eight hundred thousand pounds, to which if we shall add one million two hundred thousand pounds for the war, 'twill abundantly strengthen our fleet, especially if we consider that out of the forces now on foot in the three kingdoms, eight or ten thousand men may be kept on board it, which will save the expence of near such a number of seamen. The aid proposed to be given the Dutch, whether in men or money, or in taking upon us a greater proportion of the war by sea, will come within 200,000*l.* The addition proposed to our forces in the three kingdoms, to fill up regiments to a necessary complement, may be limited to 150,000*l.* And if, besides all this, it be thought requisite to furnish 300,000*l.* yearly to enable the King of Portugal and archduke to press our enemies on their weak side, this whole additional expence will amount to 1,850,000*l.* which, whether England be not better able to bear than it has been shewn that France can, the necessary annual extraordinaries of 66,000,000*l.* sterling, which such a war must force it to levy, let the most partial Frenchman determine.

I will not then suppose that any Englishman will think the preservation of his religion and liberty too dearly purchased at this rate. Such an undervaluing of those blessings none can be capable of whose hearts are not hardened, and who are not doomed to utter perdition. But that cannot be thought of a people whom the hand of God hath so lately rescued from the imminent danger they were in of losing both; nor can it be presumed that they will now so far tempt his providence as to neglect the opportunity he has visibly put into their hands, not only of securing to themselves for ever those inestimable blessings, but likewise of propagating his holy gospel, by procuring ease to the many persecuted protestants both of France and Germany. For can the emperor now refuse us any thing of that kind which we shall think fit to stipulate? And may we not promise ourselves in a few years to have so far humbled France as will be necessary for so good an end? As to what may be objected concerning trade, I answer, that granting our trade to the Streights should suffer an interruption by the war, such an inconvenience would be far less than the total loss of it, not only thither, but to the West-Indies; besides the loss of the manufacture of our fine drapery, which, it has been proved, will be one of the necessary consequences of our sitting still.

Yet I can see no necessity of granting that our Turkey and Italian trades will suffer

by the war, if we will suppose our maritime affairs to be well managed. The war we are to make must be altogether by sea, and consequently implies a necessity of our having every summer a strong fleet in the Mediterranean, to harass our enemies there; why, then, our traders thither may not be protected by that same force, I cannot see. And if strict prohibitions be made against any ships going thither, but under the convoy of our men of war at set seasons, 'tis probable much fewer will be lost than were during the last war; for the convenience of being sheltered in Spanish ports proved a temptation then for many merchant ships to run without convoy; whereas none will now be so adventurous as to hazard a run to Turkey or to Italy along so vast a tract of an enemy's coast. Our trade to Spain itself, which I own to be very considerable, will indeed be at a stand, till the success of our confederate armies and fleets re-admit us thither; but then a moderate strength, well managed in America, will abundantly compensate for that loss.

Whoever knows the weakness of the Spaniards in those parts, and remembers that Pointi, with a handful of men, took Carthagena, a well fortified town, and which had five times the number of men to defend it that he had on board his ships, cannot deny but there is a plentiful harvest for whoever can send a good fleet to gather it. If we take care to have a force in those seas superior to the French, our plantations are so conveniently situated, that not a galleon coming or going can escape us. How much such an interruption of all commerce thither would distress Spain is apparent, and it probably might be none of the weakest reasons to incline that people to side with us.

The wealth we shall thereby acquire will not only defray the expence of the force we shall maintain there, but, with good management, may go a great way towards the charge of the whole war: and 'twill be the fault of our commanders if all the French colonies there be not rooted out, which, for these reasons, we ought chiefly to aim at. 1st, It will greatly weaken the French power at sea, by destroying so great a nursery of their seamen. 2dly, We shall lose a dangerous rival in our sugar trade as well as in some others, which they have common with us by means of their colonies in the Southern Isles. 3dly, This will very much increase our trade in Africa for negroes, and ruin that of the French: For every one knows that none can carry on a trade for negroes but such as have a footing in America. The consequence therefore of our expelling the French will be, that the Spaniards must depend absolutely upon us for their negroes, without which their mines will be barren. Besides that, our power being freed from such a rivalship, will be so much superior to any thing in those parts of the world, that the Spaniards can have no balance nor force there to protect them against us: so that for fear of their Plate fleets, and of their very empire in America, 'twill be always in our power to obtain greater privileges from them in our trade thither than any other nation could pretend to, for which reasons I submit it to every Englishman, whether it ought not to be one of our great aims, by this war, utterly to extirpate the French out of America? Such an undertaking will appear more feasible, if we consider that matters may be so carried as to deprive the French from any assistance from the Spaniards, which, I believe, may be done by consenting to a neutrality with all the Spanish continent and islands, on condition they shall, during the war, allow us a free trade with them.

If such a neutrality can be managed, we shall not only with greater ease destroy the French there, which ought to be our principal aim, but probably be greater gainers by a free trade than by the plunder of their country. If we make war upon it, it would certainly prove more beneficial to the trading interest and manufactures of England. For if by our naval power there we hinder that vast country from being supplied with any European commodities from any other hand, shall we not have a prodigious vent for all the manufactures of our own growth, as well as for our East-India commodities and linen, &c.?

May not the access we shall thus get to those people introduce a vent for many of our commodities which the Spaniards have always industriously kept from their knowledge? Shall we not, likewise, trade to a far greater advantage than has been done hitherto, since we have always been obliged to trust the Spaniards at Cadiz, who certainly shared the profit with us? Besides the exorbitant indultos, or duties, exacted by the government, both in Europe and America.

May we not thus, during the war, give a beginning to such a commerce, directly from our plantations to the Spanish continent, as may be continued after a peace, to the unspeakable benefit of England? For when once the Americans will have discovered at how much more easy rates we can supply them than the Spaniards have done, will they not, for their own sakes, endeavour to continue it? And shall we not have reason to expect the allowance of it from the new king we shall have seated on the Spanish throne?

This notion of a neutrality may displease the Buccaneers, and perhaps our sea commanders, who would find their account better by plundering that rich country. And it may perhaps be thought ridiculous to suppose that the government of those provinces, who will have strict orders to do all they can to extirpate us, can ever be brought to consent to it. But to that I answer, that if we have a power sufficient to burn and destroy their country, 'tis much more probable that the present terror of our arms will prevail with that wealthy but defenceless people, than the orders they shall receive from the unsettled government of Spain; and that they will much more willingly part with their gold and silver, in return for our commodities, which 'tis in our power to hinder them from being supplied with any other way, than expose themselves to be plundered of their riches and their maritime provinces to utter destruction.

We know that the French fleets, during the last war, have frequently been supplied with refreshments of all kinds from the governors of several maritime towns of Spain itself; how much more likely is it then that the remote provinces we are speaking of, will, by a like compliance, endeavour to shun their utter ruin, especially when they will be in doubt of the fate of their mother country, or to which of the princes contending for the empire of it they will owe their obedience? In such an uncertainty, will not a weak and rich country incline to such measures as will bring security and profit? The advantages that would accrue to us from such a neutrality appear to be so great, that we ought carefully to court them to it. And should that method fail, we shall still have it in our power to make them repent their not accepting of it, and by harsher means to acquire an immense treasure.

Postscript.

Some addresses of the House of Commons to King Charles the Second, relating to Flanders, have been mentioned in the foregoing discourse; since the printing of which we have news from Paris, that orders are sent there to Mareschal Boufflers, not only to take possession of all the Spanish Netherlands, but to disarm and seize the Dutch troops in garrison there; and we have reason to fear that those orders are already executed. It may therefore not be unseasonable to offer to the publick the very addresses made to King Charles, with his answers, by which it will appear what was the sense of England at that time, upon the progress of the French arms in those provinces.

March the 6th, 1676. The House being resolved into a committee of the whole House, to consider of grievances,

Resolved,

That a committee be appointed to prepare an address, to represent unto his majesty

the danger of the power of France; and to desire his majesty, by such alliances as his majesty shall think fit, to secure his kingdoms, and quiet the fears of his people, and for the preservation and securing of the Spanish Netherlands.

March the 10th, Mr Powle reported from the committee the following address, which was presented, read and agreed to, *nemine contradicente.*

May it please your Majesty,

We your majesty's most loyal subjects, the knights, citizens and burgesses in parliament assembled, find ourselves obliged in duty and faithfulness to your majesty, and in discharge of the trust reposed in us, by those whom we represent, most humbly to offer to your majesty's serious consideration, that the minds of your majesty's people are much disquieted, with the manifest danger arising to your majesty's kingdoms by the growth and power of the French king; especially by the acquisitions already made, and the further progress likely to be made by him in the Spanish Netherlands, in the preservation and security whereof, we humbly conceive the interest of your majesty, and the safety of your people, are highly concerned; and therefore we most humbly beseech your majesty to take the same into your royal care, and to strengthen yourself with such stricter alliances, as may secure your majesty's kingdoms, and preserve and secure the said Netherlands, and thereby quiet the minds of your majesty's people.

Resolved,

That the concurrence of the lords be desired to the said address; and that Mr Powle do go up to the lords to desire their concurrence.

And upon the 15th of March, the lords sent word, That they had agreed to the address, and that his majesty had appointed both houses to attend him, to present their address to-morrow, at three of the clock in the afternoon, in the banqueting house at Whitehall.

March the 16th, The address was presented to his majesty by both houses.

And March the 17th, Mr Speaker reported to the house, that according to the order and command of the house, he had attended his majesty in presenting the address; and that the lord chancellor having introduced it with a short preface, and then read it, his majesty was pleased to return his answer to this effect.

My Lords and Gentlemen,

I am of the opinion of my two Houses of Parliament, that the conservation of Flanders is of great importance to England; and therefore I assure you, I will use all means for the preservation of Flanders, that can possibly consist with the peace and safety of the kingdom.

March the 19th, A motion being made for a farther address to his majesty, to enter into a strict and speedy alliance with the confederates;

Resolved,

That the debate of this motion be adjourned till Monday morning next, at ten of the clock.

Monday, March the 26th, The house then proceeded upon the debate of the motion for a further address to his majesty, to enter into a speedy and strict alliance with the confederates.

Resolved,

That a farther address be made to his majesty, giving him assurance that if (in pursuance of the address, presented to his majesty from both houses) his majesty shall find himself necessitated to enter into a war, this house will fully aid his majesty from time to time, and assist him in that war.

The 29th of March, The following address was reported, and agreed unto by the house.

May it please your Majesty,

We your majesty's most loyal subjects, the knights, citizens, and burgesses in parliame t assembled, do, with unspeakable joy and comfort, present our humble thanks to your majesty, for your majesty's gracious acceptance of our late address, and that your majesty was pleased, in your princely wisdom, to express your concurrence and opinion with your two houses, in reference to the preservation of the Spanish Netherlands. And we do, with most earnest and repeated desires, implore your majesty, That you would be pleased to take timely care to prevent those dangers that may arise to these kingdoms by the great power of the French king, and the progress he daily makes in those Netherlands and other places. And therefore that your majesty would not defer the entering into such alliances as may obtain those ends; and in case it shall happen that, in pursuance of such alliances, your majesty shall be engaged in a war with the French king, we do hold ourselves obliged, and do with all humility and chearfulness assure your majesty, that we your most loyal subjects shall always be ready, upon your signification thereof in parliament, fully, and from time to time, to assist your majesty with such aids and supplies, as, by the divine assistance, may enable your majesty to prosecute the same with success.

All which we do most humbly offer to your majesty, as the unanimous sense and desire of the whole nation.

March 30, 1677.

It was alledged against this address, that to press the king to make further alliances with the confederates against the French king, was in effect to press him to a war, that being the direct and unavoidable consequence thereof.

That the consideration of war was most proper for the king, who had intelligence of foreign affairs, and knew the *Arcana Imperii.*

That it was a dangerous thing hastily to incite the king to a war.

That our merchant-ships and effects would be presently seized by the French king within his dominions, and thereby he would acquire the value of, it may be, near a million to enable him to maintain the war against us.

That he would fall upon our plantations, and take, plunder, and annoy them.

That he would send out abundance of capers, and take and disturb all our trading ships in these seas, and the Mediterranean.

That we had not so many ships of war as he, and those thirty which were to be built with the 600,000*l.* now given, could not be finished in two years.

That we had not naval stores and ammunition, &c. sufficient for such a purpose, and if we had, yet the season of the year was too far advanced to set out a considerable fleet: and we could not now lay in beef, pork, &c.

That when we were engaged in a war, the Dutch would likely slip collar, leave us in the war, and so gain to themselves the singular advantage of sole trading in peace, which is the privilege we now enjoy, and should not be weary of.

That it was next to impossible to make alliances with the several parties, as might be expected, such and so various were the several interests and cross-biasses, of and amongst the Emperor, the Spaniard, the Dane, the Dutch, the Brandenburg, and the several lesser Princes of Germany, and others.

That we may easily enter into war, but it would be hard to find the way out of it, and a long war would be destructive to us; for though the Emperor, French, Spaniard, &c. use to maintain war for many years, yet a trading nation, as England is, could not endure a long-winded war.

On the other side it was said,

That they did not address for making war, but making leagues, which might be a means to prevent war.

That the best way to preserve a peace, was to be in a preparation for war.

That admitting a war should ensue thereupon, as was not unlikely, yet that would tend to our peace and safety in conclusion; for it must be agreed, that if the power of France were not reduced, and brought to a more equal balance with its neighbours, we must fight or submit first or last.

That it was commonly the fate of those that kept themselves neutral, when their neighbours were at war, to become a prey to the conqueror.

That now or never was the critical season to make war upon the French, whilst we may have so great auxiliary conjunction; and if it were a dangerous and formidable thing to encounter him now, how much more would it be so when this opportunity was lost, the confederacy disbanded, a peace made on the other side of the water, and we left alone to withstand him single.

That as to his seizing our merchants effects, the case was the same, and no other now than it would be three years hence, or at any time whensoever the war shall commence.

That as to our plantations and our traders, we must consider, though the French was powerful, he was not omnipotent, and we might as well defend them as the Dutch do theirs, by guards, convoys, &c. and chiefly when the French have so many enemies, and we shall have so many friends, as no other time is like to afford.

That they were sorry to hear we had no ships, stores, &c. equal to the French, and to our occasions, and hoped it would appear to be otherwise.

That the season was not so far spent but that a competent fleet might be set out this summer, and that however deficient we might be in this kind, the Dutch were forward and ready to make an effectual supplement in that behalf.

That howsoever ill and false some men might esteem the Dutch, yet interest will not lie, and it is so much their interest to confine and bring down the French, that it is not to be apprehended, but they will steadily adhere to every friend and every alliance they shall join with for that purpose.

That however cross and diverse the several confederates and their interests were, yet a common alliance may be made with them against the French, and as well as they have allied themselves together, as well may the alliance be extended to another, to be added to them, viz. The King of England.

That a numerous and vigorous conjunction against him, is the way to shorten the work, whereas, if he should hereafter attack us singly, he would continue the war on us as long as he pleased, till he pleased to make an end of it and us together, by our final destruction.

That if now we should neglect to make alliances, we had no cause to expect to have one friend, when the French should make peace beyond sea, and single us out for conquest; for all that are conjoined against the French are provoked and disobliged by reason of the great number of English, Scotch, and Irish, which have served, and do still serve the French, and it was proved at the bar of this house within this fortnight, that 1000 men were levied in Scotland, and sent to the French service in January last, and some of them by force and pressing.

Also that it was understood and resented, that we had mainly contributed to this overgrown greatness of the French, by selling Dunkirk, that special key and inlet of Flanders, by making war on the Dutch, in 1665. Whereupon the French joined with the Dutch, under which shelter and opportunity the French king laid the foundation of this great fleet he now hath; buying then many great ships of the Dutch, and

building many others: As to which, but for that occasion, the Dutch would have denied and hindered him, but not observing the triple league, and by our making a joint war with the French against the Dutch, in which the French yet proceeds and triumphs; So that in this respect we have much to redeem and retrieve.

That enmity against the French was the thing wherein this divided nation did unite; and this occasion was to be laid hold on, as an opportunity of moment amongst ourselves.

That the bent and weight of the nation did lean this way; and that was a strong inducement and argument to incline their representatives.

That it had been made appear, and that in parliament, that upon the balance of the French trade, this nation was determined yearly nine hundred thousand pounds, or a million, the value of the goods imported from France, annually so much exceeding that of the goods exported hence thither; whereby it is evident, that such a sum of the treasure and money of the nation was yearly exhausted and carried into France, and all this by unnecessary wines, silks, ribbons, feathers, &c. The saving and retrenching of which expence and exhaustion, will in a great degree serve to maintain the charge of a war.

That the present was the best time for the purpose; and that this would give reputation to the confederates, and comfort and courage to our best friends immediately, and safety to ourselves in futurity, against the old perpetual enemy of England.

The second address was presented to his majesty March the 30th; and no answer returned till April the 11th. In which interval the news came of the French taking of Valenciennes and St Omers, and the defeat of the Prince of Orange at Mont-Cassel. Upon which this following answer was offered to the speaker from his majesty by Mr Secretary Williamson:

C. R.

His majesty having considered your last address, and finding some late alterations in affairs abroad, thinks it necessary to put you in mind, that the only way to prevent the dangers which may arise to these kingdoms, must be by putting his majesty timely in a condition to make such fitting preparations, as may enable him to do what may be most for the security of them. And if for this reason you shall desire to sit any longer time, his majesty is content you may adjourn now before Easter; and meet again suddenly after to ripen this matter, and to perfect some of the most necessary bills now depending.

Given at our court at Whitehall, the 11th of April, 1677.

This occasioned a long debate, and concluded in voting the following answer, which was presented to his majesty by the speaker and the whole house, on Friday, April 13, 1677.

May it please your most excellent Majesty,

We your majesty's most dutiful and loyal subjects, the commons in this present parliament assembled, do with great satisfaction of mind observe the regard your majesty is pleased to express to our former addresses, by intimating to us the late alteration of affairs abroad, and do return our most humble thanks for your majesty's most gracious offer made to us thereupon in your last message: and having taken a serious deliberation of the same, and of the preparations your majesty hath therein intimated to us were fitting to be made in order to those publick ends, we have for the present provided a security in a bill for an additional duty of excise, upon which your majesty may raise the sum of 200,000*l.* And if your majesty shall think fit to call us together again for this purpose, in some short time after Easter, by any publick signification of your

majesty's pleasure, commanding our attendance, we shall at our next meeting not only be ready to reimburse your majesty what sums of money shall be expended upon such extraordinary preparations, as shall be made in pursuance of our former addresses, but shall likewise with most chearful hearts proceed both then, and at all other times, to furnish your majesty with so large proportions of assistance and supplies upon this occasion, as may give your majesty and the whole world an ample testimony of our loyalty and affection to your majesty's service, and as may enable your majesty, by the help of Almighty God, to maintain such stricter alliances as you shall have entered into against all opposition whatsoever.

This address was presented April 13th; and upon Easter Monday, April 16th, another message in writing from his majesty, was delivered by Secretary Williamson to the House of Commons, viz.

C. R.

His majesty having considered the answer of this house to his last message, about enabling him to make fitting preparations for the security of these kingdoms, finds by it that they have only enabled him to borrow 200,000*l.* upon a fund given him for other uses: His majesty desires therefore this house should know, and he hopes they will always believe of him, that not only that fund, but any other within his power, shall be engaged to the utmost for the preservation of his kingdoms; but as his majesty's condition is (which his majesty doubts not but is as well known to this house as himself) he must tell them plainly, that without the sum of 600,000*l.* or credit for such a sum, upon new funds, it will not be possible for him to speak or act those things which should answer the ends of their several addresses, without exposing the kingdom to much greater danger: His majesty doth further acquaint you, that having done his part, and laid the true state of things before you, he will not be wanting to use the best means for the safety of his people, which his present condition is capable of.

Given at our court at Whitehall, April 16, 1677.

Thereupon the house fell into present consideration of an answer, and in the first place, it was agreed to return great thanks to his majesty for his zeal for the safety of the kingdom, and the hopes he had given them that he was convinced and satisfied, so as he would speak and act according to what they had desired, and they resolved to give him the utmost assurance, that they would stand by him, and said no man could be unwilling to give a fourth or third part to save the residue. But they said they ought to consider that now they were a very thin house, many of their members being gone home, and that upon such a ground as they could not well blame them; for it was upon a presumption that the parliament should rise before Easter, as had been intimated from his majesty within this fortnight, and universally expected since: and it would be unparliamentary, and very ill taken by their fellow-members, if, in this their absence, they should steal the privilege of granting money, and the thanks which are given for it; that this was a national business, if ever any were, and therefore fit to be handled in a full national representative, and if it had hitherto seemed to go up hill, there was a greater cause to put the whole shoulder to it, and this would be assuring, animating, and satisfactory to the whole nation. But they said it was not their mind to give or suffer any delay; they would desire a recess but for three weeks or a month at most.

And the 200,000*l.* which they had provided for present use, was as much as could be laid out in the meantime; though his majesty had 00,000*l.* more ready told upon the table.

And therefore they thought it most reasonable and advisable, that his majesty should

suffer them to adjourn for such a time; in the interim of which his majesty might, if he pleased, make use of the 200,000*l.* and might also complete the desired alliances, and give notice by proclamation to all members to attend at the time appointed.

The answer is as followeth, and was read and agreed to the same day.

May it please your majesty,

We your majesty's most loyal subjects, the commons in this present parliament assembled, having considered your majesty's last message, and the gracious expressions therein contained, for employing your majesty's whole revenue at any time to raise money for the preservation of your majesty's kingdoms, do find great cause to return our most humble thanks to your majesty for the same, and to desire your majesty to rest assured, that you shall find as much duty and affection in us, as can be expected from a most loyal people, to their most gracious sovereign, and whereas your majesty is pleased to signify to us, that the sum of 200,000*l.* is not sufficient without a further supply, to enable your majesty to speak or act those things which are desired by your people, we humbly take leave to acquaint your majesty, that many of our members, (being upon an expectation of an adjournment before Easter,) are gone into their several counties, we cannot think it parliamentary in their absence, to take upon us the granting of money, but do therefore desire your majesty to be pleased that this house may adjourn itself for such a short time, before the sum of 200,000*l.* can be expended, as your majesty shall think fit, and by your royal proclamation, to command the attendance of all our members at the day of meeting. By which time we hope your majesty may have so formed your affairs, and fixed your alliances, in pursuance of our former addresses, that your majesty may be graciously pleased to impart them to us in parliament; and we no ways doubt but at our next assembling, your majesty will not only meet with a compliance in the supply your majesty desires, but withal, such farther assistance as the posture of your majesty's affairs should require. In consequence whereof, we hope your majesty will be encouraged, in the meantime, to speak and act such things as your majesty shall judge necessary for attaining those great ends, as we have formerly represented to your majesty.

Upon this the parliament was adjourned from April the 16th to the 21st of May following, when they met, and adjourned till Wednesday, May the 23d, at which time his majesty sent a message for the house to attend him presently at the banquetting house at Whitehall, where he made the following speech to them.

Gentlemen,

I have sent for you hither, that I might prevent those mistakes and distrusts which I find some are ready to make, as if I had called you together only to get money from you, for other uses than you would have it employed. I do assure you, on the word of a king, that you shall not repent any trust you repose in me, for the safety of my kingdoms; and I desire you to believe I would not break my credit with you; but as I have already told you, that it will not be possible for me to speak or act those things which should answer the ends of your several addresses without exposing my kingdoms to much greater dangers, so I declare to you again, I will neither hazard my own safety, nor yours, until I be in a better condition than I am able to put myself, both to defend my subjects and offend my enemies.

I do further assure you, I have not lost one day since your last meeting, in doing all I could for your defence; and I tell you plainly, it shall be your fault, and not mine, if your security be not sufficiently provided for.

The Commons returning to their house, and the speech being read, they resolved into a committee of the whole house to consider of it. There was an extraordinary full house, and the following vote passed, upon the question, with very general consent, there being but two negative voices to it.

Resolved,

That an address be made to the king, that his majesty would be pleased to enter into a league offensive and defensive with the States-General of the United Provinces, and to make such other alliances with others of the confederates, as his majesty shall think fit against the growth and power of the French king, and for the preservation of the Spanish Netherlands; and that a committee be appointed to draw up the address, with reasons why this house cannot comply with his majesty's speech, until such alliance be entered into; and further shewing the necessity of the speedy making such alliances; and, when such alliances are made, giving his majesty assurance of speedy and cheerful supplies, from time to time, for supporting and maintaining such alliances.

To which, (the speaker re-assuming the chair, and this being reported,) the house agreed, and appointed a committee.

And adjourned over Ascension-day till Friday.

In the interim the committee appointed met, and drew the address according to the above-mentioned order, a true copy of which is here annexed.

May it please your most excellent Majesty,

Your majesty's most loyal and dutiful subjects, the Commons in parliament assembled, having taken into their serious consideration your majesty's gracious speech, we do beseech your majesty, to believe it is a great affliction to them, to find themselves obliged, (at present) to decline the granting your majesty the supply your majesty is pleased to demand, conceiving it is not agreeable to the usage of parliament, to grant supplies for maintenance of wars and alliances, before they are signified in parliament, (which the two wars against the States of the United Provinces, since your majesty's happy restoration, and the league made with them in January, 1668, for preservation of the Spanish Netherlands, sufficiently prove, without troubling your majesty with instances of greater antiquity,) from which usage, if we should depart, the precedent might be of dangerous consequence in future times, though your majesty's goodness gives us great security during your majesty's reign, which we beseech God long to continue.

This consideration prompted us in our last address to your majesty, before our late recess, humbly to mention to your majesty, our hopes, that before our meeting again, your majesty's alliances might be so fixed, as that your majesty might be graciously pleased to impart them to us in parliament, that so our earnest desires of supplying your majesty, for prosecuting those great ends we had humbly laid before your majesty, might meet with no impediment or obstruction; being highly sensible of the necessity of supporting as well as making the alliances, humbly desired in our former addresses, and which we still conceive so important to the safety of your majesty and your kingdoms, that we cannot, (without unfaithfulness to your majesty and those we represent,) omit upon all occasions, humbly to beseech your majesty, as we do now, "to enter into a league, offensive and defensive, with the States General of the United Provinces against the growth and power of the French king, and for the preservation of the Spanish Netherlands, and to make such other alliances, with other such of the confederates, as your majesty shall think fit and useful to that end;" in doing which (that no time may be lost,) we humbly offer to your majesty these reasons for the expediting of it.

1. That if the entering into such alliances should draw on a war with the French king, it would be less detrimental to your majesty's subjects at this time of the year, they having now fewest effects within the dominion of that king.

2. That though we have great reason to believe the power of the French king to be dangerous to your majesty and your kingdoms, when he shall be at more leisure to molest us, yet we conceive the many enemies he has to deal with at present, together with the situation of your majesty's kingdoms, the unanimity of the people in this cause, the care your majesty hath been pleased to take of your ordinary guard for the sea, together with the credit provided by the late act, for an additional excise for three years, make the entering into, and declaring alliances very safe, until we may in a regular way give your majesty such further supplies, as may enable your majesty to support your alliances, and defend your kingdoms.

3. Because of the great danger and charge which must necessarily fall upon your majesty's kingdoms, if, (through want of that timely encouragement and assistance, which your majesty, joining with the States General of the United Provinces, and other confederates, would give them,) the said states, or any other considerable part of the confederates, should this next winter, or summer, make a peace or truce with the French king, (the prevention whereof must hitherto be acknowledged a singular effect of God's goodness to us,) which, if it should happen, your majesty would be afterwards necessitated with fewer, perhaps with no alliances or assistance, to withstand the power of the French king, which hath so long and so successfully contended with so many and so potent adversaries; and whilst he continues his overbalancing greatness, must always be dangerous to his neighbours, since he would be able to oppress any one confederate, before the rest could get together, and be in so good a posture of offending him as they now are, being jointly engaged in a war. And if he should be so successful as to make a peace, or disunite the present confederation against him, it is much to be feared, whether it would be possible ever to re-unite it, at least it would be a work of so much time and difficulty, as would leave your majesty's kingdoms exposed to much misery and danger.

Having thus discharged our duty, in laying before your majesty the dangers threatening your majesty and your kingdoms, and the only remedies we can think of, for the preventing, securing, and quieting the minds of your majesty's people, with some few of those reasons which have moved us to this, and our former addresses on this subject, we most humbly beseech your majesty to take this matter into your most serious consideration, and to take such resolutions as may not leave it in the power of any neighbouring prince to rob your people of that happiness which they enjoy, under your majesty's gracious government; beseeching your majesty to rest confident and assured, that when your majesty shall be pleased to declare such alliances in parliament, we shall hold ourselves obliged, not only by our promises and assurances given, and now with great unanimity renewed in a full house, but by the zeal and desires of those whom we represent, and by the interests of all our safeties, most chearfully to give your majesty such speedy supplies and assistances as may fully and plentifully answer the occasions, and, by God's blessing, preserve your majesty's honour and the safety of the people.

All which is most humbly submitted to your majesty's great wisdom.

Friday, May 25th, 1677.

Sir John Trevor reported from the said committee the address, which was read and agreed to, and ordered that those members of the house, who were of his majesty's privy council, should move his majesty to know his pleasure, when the house might wait upon him with their address.

Saturday, May 26th, 1677.

The house being sat, had notice by Mr Secretary Coventry, That the king would receive their address at three in the afternoon; at which time they attended the king with it at the Banquetting-house, in Whitehall, which being presented, the king answered, That it was long and of great importance, that he would consider of it, and give them an answer as soon as he could.

The house adjourned till Monday, May the 28th, when being sate, they received notice by Secretary Coventry, that the king expected them immediately in the Banquetting-House; whither being come, the king made a speech to them on the subject of their address; which speech, to prevent mistakes, his majesty read out of his paper, and then delivered the same to the speaker. And his majesty added a few words about their adjournment.

The king's speech is as followeth:

Gentlemen,

Could I have been silent, I would rather have chosen to be so, than to call to mind things so unfit for you to meddle with as are contained in some parts of your late addresses, wherein you have entrenched upon so undoubted a right of the crown, that I am confident it will appear in no age (when the sword was not drawn) that the prerogative of making peace and war hath been so dangerously invaded.

You do not content yourselves with desiring me to enter into such leagues as may be for the safety of the kingdom, but you tell me what sort of leagues they must be, and with whom; and (as your address is worded) it is more liable to be understood to be by your leave, than at your request, that I should make such other alliances as I please with other of the confederates.

Should I suffer this fundamental power of making peace and war to be so far invaded (though but once) as to have the manner and circumstances of leagues prescribed to me by parliament, it's plain that no prince or state would any longer believe that the sovereignty of England rests in the crown; nor could I think myself to signify any more to foreign princes than the empty sound of a king: Wherefore you may rest assured, that no condition shall make me depart from, or lessen, so essential a part of the monarchy. And I am willing to believe so well of this House of Commons, that I am confident these ill consequences are not intended by you.

These are, in short, the reasons why I can by no means approve of your address; and yet, though you have declined to grant me that supply which is necessary to the ends of it, I do again declare to you, that as I have done all that lay in my power since your last meeting, so I will still apply myself, by all the means I can, to let the world see my care for the security and satisfaction of my people, although it may not be with those advantages to them which, by your assistances, I might have procured.

And having said this, he signified to them, they should adjourn till the 16th of July next. And, upon meeting then, were adjourned till the 3d day of December.

May it not be worth remembering, who advised his majesty to make such an answer to his parliament?

Short Remarks upon the late Act of Resumption of the Irish Forfeitures, and upon the Manner of putting that Act in Execution. 1701.

When the nation had undergone a revulsion of sentiment towards King William, every flaw was industriously sought out which could serve to blemish his character.—"Among other complaints, one was, that the king had given grants of the confiscated estates in Ireland. It was told before, that a bill being sent up by the Commons, attainting the Irish that had been in arms, and applying their estates to the paying the public debts, leaving only a power to the king to dispose of the third part of them, was like to lye long before the Lords, many petitions being offered against it; upon which the king, to bring the session to a speedy conclusion, had promised that this matter should be kept entire till their next meeting; but the session going over without any proceeding, the king granted away all those confiscations; it being an undoubted branch of the royal prerogative, that all confiscations accrued to the crown, and might be granted away at the pleasure of the king. It was pretended that those estates came to a million and a half in value. Great objections were made to the merits of some who had the largest share in those grants. Attempts had been made in the parliament of Ireland to obtain a confirmation of them; but that which Ginkle, who was created Earl of Athlone, had, was only confirmed. Now it was become a popular subject of declamation to arraign both the grants and those who had them. Motions had been often made for a resumption of all the grants which had been made in this reign: but in answer to this it was said, that since no such motion had been made for a resumption of the grants made in Charles II.'s reign, notwithstanding the extravagant profusion of them, and the ill grounds upon which they were made, it shewed both a disrespect and black ingratitude, if, while no other grants were resumed, this king's only should be called in question. The court-party said often, let the retrospect go back to the year 1660, and they would consent to it, and that which might be got by it would be worth the while. It was answered, this was not the time, that so many sales, mortgages, and settlements had been made, pursuant to those grants; so all these attempts came to nothing. But now they fell on a more effectual method. A commission was given, by act of parliament, to seven persons named by the House of Commons, to enquire into the value of the confiscated estates in Ireland so granted away, and into the considerations upon which those grants were made."—Burnet, IV. 421.

Every the least trade, or body of men in the kingdom, when they find themselves aggrieved by a law, are allowed the liberty of plainly representing their grievance, and petitioning for redress by the repeal of that law. I hope it will not be accounted a crime, nor an unbecoming assurance, in one who is a sufferer by the late bill for resumption of Irish forfeitures, to lay before the honourable House of Commons a few short remarks upon that bill, and the manner of the execution of it, whereby himself, and many others of his majesty's protestant subjects whose veins hold no other blood than what is English, have suffered to a very great degree, in hopes that the house may think that matter worthy of a review and second consideration.

2. I am firmly persuaded, that if the truth of the state of the Irish grants, or any thing near it, had been honestly represented to the House of Commons, whatever

schemes of affairs some particular enterprising gentlemen might have projected and framed to themselves, it would have been impossible to have gained a majority of that house to have passed the bill, at least not in the manner it is now framed.

3. As to the bill now depending in the house for the resumption of English grants, although probably there is not one of the grantees who is not represented by a member in whose election his grant gave him a right of voting, and although the matter being transacted here, it may reasonably be presumed that many members of both houses are thoroughly acquainted with the grants themselves, and the considerations for making them, the printed votes tell us every day, that as many petitions as are offered against the bill are easily received, and referred to the committee to whom the bill is committed: But unhappy Ireland is to be bound by a law made by persons never chosen to represent her; persons who cannot be presumed to be truly acquainted, of their own knowledge, with her present circumstances, interests, or affairs, and this too without giving her any opportunity of being heard for herself. It is not the intent of this paper to enter into the question of the right, (which some, however, think of considerable weight and consequence in the matter,) but to consider how a thing so unusual and extraordinary did prevail.

4. I do not presume by any means to arraign or censure the proceedings of a parliament; it is no reflection upon them to do things which carry a fair appearance of advantage to the publick, as they are represented to them, though deceits may be put upon them: And it's a sufficient reconciling of their proceedings to the rules of justice and equity, that they used all the caution that was necessary to obtain a true information of the state of the case; that they sent over commissioners, fortified with very large power, to make enquiries, and to report the matter to the house. It could not be presumed (and therefore a suggestion of that kind would have been ridiculed) that persons so employed would dare to make a report to such an assembly without due examination, and much less to affirm facts contrary to plain informations received; and it is no wonder, as the report stated matters to them, that it should move their indignation to the highest degree. I shall not offer to dispute the reasonableness of any one step taken by either house in the affair; I have learned to make my understanding submit to whatever the parliament judge to be reasonable and fitting to be done: But if many innocent families must unavoidably be ruined by the bill grounded upon that report; and if that information shall evidently appear to be grossly false in itself in many, nay, most particulars, and that those mistakes were not due to want of opportunities of being truly informed, but to a resolution to represent things quite otherwise than the truth was, perhaps the house may think itself concerned in honour to express some resentments, or a dislike at least, of such an abuse of the confidence reposed by them in their commissioners, which produced a bill so severe, to say nothing more of it.

5. The most avowed enemies of that unfortunate kingdom, though witty gentlemen (who although they despise it, and all that belong to it, yet, at the same time, contrary to the nature of contempt, make it the very mark of their envy,) must allow that the dull protestants of Ireland were great sufferers upon account of their religion and firm adherence to the interest of England; that such of them as were forced to fly for want of arms, or of a force capable of making a stand, were as forward to return and venture their lives for the asserting the English laws and liberties as any subjects whatever; and that such of them as could get into a body, and possess themselves of places of any strength, did defend those places to the wonder of mankind. And it cannot be denied, that by that defence, and the stand that they made there, the ravages and calamities that attend a war were kept in that poor country, of which war (without that opposition) England in all probability had been the seat.

6. These things could not soon slip out of memory, or be forgotten; nor could the interest that some of those sufferers and the protestants of Ireland had in those grants in general be unknown; and therefore the gentlemen who projected th creating of

beneficial offices to themselves, at the expence of a poor kingdom, were put to make use of all their skill to work up the minds of people into such a ferment as might master and overpower every thought of tenderness and compassion: And it's pretty well known what courses they took to do it; but time will quiet passions and discover truth. Two of the three reporting commissioners are soon to appear before the house. I think it may not be improper to give some hints of enquiries which the members, if they please, may make, in order to their having some certain measure of what they are to depend upon from the act, (for, as has been very well observed, the late report skilfully avoids every thing of this kind,) and that the poor soldiers, the persons concerned in the transport debt, &c. after a tedious waiting, may not find themselves deceived by such a fund as to make selling their debentures at fifty per cent. the most eligible part.

7. I will, for the present, admit that the general distaste which this bill has given to the body of the kingdom of Ireland, is not a false step in policy at this time: I will suppose too, that the apprehensions which many there have taken up, that it looks like a very breach of their constitution, is perfectly groundless, and of no consequence; (without doubt the gentleman, who said in discourse that it were better the bill should be lost, than the express repeal of an act of their parliament should be omitted, as he seemed perfectly master of the conduct of the whole bill, has some very extraordinary reasons for his saying so;) yet I am fully persuaded, if England had been made sensible that the act would be a certain ruin to so many English protestant families, that besides the resumption itself, (which would lie heavy enough upon many of the subjects of that kingdom,) the charges of making and attending their claims would be such as that kingdom is not able to bear; and that the effect of this would be only the creating offices of advantage to some particular gentlemen, with a very little return in ease of the English debts. I am persuaded that an English parliament would have scorned to take this course in easing herself in an inconsiderable sum, by laying such an overload upon her slave and drudge; much less would it have committed into the hands of some gentlemen such unlimited powers over a kingdom, as are without any precedent in English law or history: and perhaps their justice and compassion may incline them yet to find out some means of removing the load, and relieving the poor sufferers.

8. Instead of this it's reported abroad, that the gentlemen employed are not content with their present power, nor think themselves yet arbitrary enough, but solicit an enlargement of their authorities, as well as of their time, and consequently of their very good salaries. Whether that, or the finding some way of delivering a miserable people of such masters, be the more reasonable, a satisfactory answer to some few questions may perhaps in some measure determine.

9. The first report is before the house: It was that which raised the expectation of the parliament so high, that they thought reasonable to vary from their general course of proceeding, and to do things not common, by which several members expressed themselves sensible that some hardships would unavoidably fall upon particular persons, but the general good over-ruled such considerations; and they chose rather to strain a little, than not come at such a mine as was promised them towards easing a burden which lay very heavy on England. Two of the three who subscribed the first report, (as is said before) are soon to attend the house, particularly Mr Ansley, who after having delivered that report at the bar of the house, undertook to justify and answer all objections that should be made against it; for the truth of which I am confident I may appeal to the memory of several members who heard him, although perhaps he might have reason to be assured he did not run any great hazard of being at that time called upon to make good what he so strongly promised. I think it may be immediately expected, after a full year's further attendance upon that enquiry, he should be able to give a full, plain, and direct answer how far that revenue may be de-

pended upon as a fund for what is charged upon it, (which are debts of honour and of great compassion,) and whether the produce of it will be an equivalent for the setting a precedent of investing a few gentlemen, not all of them perfectly skilled in the laws, or of visible fortunes, with so arbitrary a power of judging and determining the property of a whole kingdom, that the wisdom of the laws of England has not thought it safe to intrust the king, the House of Peers, and all the courts of justice in this land with any thing like it.

10. The estate commonly called the private estate, (those lands which were vested in the Duke of York before his accession to the throne, and afterwards granted to the Lady Orkney,) I take to be out of the compass of this enquiry: there was no need of furnishing out commissioners at such an expence, and such large powers relating to that.

There were very few claims to be heard; the commissioners, as I have been well assured, had an entry at large delivered to them, a perfect rent-roll of the estate; the gentlemen concerned in the management of it put that matter into such order for them, that Mr Hooper, (now a commissioner, and their then secretary,) said at the board, that had the like methods been observed in all returns, three months would have been sufficient to have completed their business. So that a very small expence of time and pains might ascertain the true state of those lands, as may be very easily judged, as well from what is above said, as from that very nice account given of this estate by a late ingenious author. If therefore there has been any considerable waste of time and expence in that matter, it has had some other end in it, than barely to be informed of the truth of that revenue. I hear the commissioners report those lands to be of a very extravagant value; at present I'll not concern myself further about them, than to caution people against being deceived by the same methods a second time, and to say that those lands may be disposed of without the yearly expence of forty thousand pounds in salaries, and other charges, to effect it. *Jus Regium.*

11. But it may be proper to have the house truly informed what has been made of things, properly called forfeitures, in a year's time. There can have been but little need of their judicial power of hearing and determining claims to personal estates; and therefore it's to be presumed that all those matters are over, and that they are able to give a perfect account of them.

It may then be reasonably demanded,

1st, What the value of those are? How much received, and what proportion those receipts bear to the first report? And in general how far the first report will be verified, in what particulars it will fall short, and how much?

2dly, Whether they have made any inventory of those personal goods and chattels that are vested in them, to whom they have sold them, and for how much?

The neglect or delay of doing this, is an abuse of the favour intended by the parliament to the purchasers of forfeited interests, as to the third part of their purchase-money, forasmuch as they are to receive part of the twenty-one thousand pounds allotted to them out of the produce of the personal estates.

It may be demanded of them in general,

3dly, What cash remains now in the hands of their receivers, or cashiers, in Dublin, above the charge of their salaries and management; and whether in their accounts credit is given by what is made by the fees in several offices? It is conceived this ought to be done, in regard the whole expence is defrayed out of the produce of the forfeitures; and therefore it's reasonable that the fees should be esteemed so much neat money, and ought to be accounted for as such.

And it is to be hoped the house will require their laying before them their table of fees, which, (however moderate it may appear,) is an excessive charge to the king-

dom; for by the act the claimant is obliged in his claim, to set forth his title, and by what deeds he derives it: So that where the thing is of inconsiderable value, (which generally happens in cases of such as are least able to bear it,) the charge of attendance, and paying the court, exceeds the value of the interest claimed. The usual expence in the offices for an ordinary claim is about ten pounds, of greater claims abundantly more.

4thly, Have they proceeded to sell such part of the forfeited lands, as have not been claimed, or such as have been claimed and discussed? If so, to what value do the lands sold amount? If not, what is their reason for delaying the execution of that part of the act?

5thly, Whether they have given certificates to entitle the purchasers to their respective shares of the twenty-one thousand pounds? If they have given such certificates, when did they give the same, and whether such certificates have not been demanded, and refused by them? If so, upon what account was such refusal? Whether by such refusal the purchasers have not been hindered from receiving All Saints' rent, and will not also lose the rents becoming due this May? Have they allowed them interest for their shares of the twenty-one thousand pounds? Have they not been delayed of the advantage the act intended them of demanding the remainder of the money from those of whom they purchased, for want of such certificates? What was the number of those purchasers, and what was the expence of prosecuting each claim, in order to entitle such purchasers to their share of the twenty-one thousand pou ds.

12. This right must be done to the trustees, that they have endeavoured in most cases to make the utmost of their trust; but whether by such methods and courses as the honour of an English parliament would endure, if they were acquainted with them, may be known by answers to the following particulars.

1st, The act requires such as are in possession of forfeited lands to return a true particular of the value, under a great penalty: Whether they have expected such a particular, according to the value that a tenant might reasonably give for the land to be set out to farm, or whether according to the rates which the lowest under-tenants, and small cotters, (who work out all that which is called their rent, and much more, with their landlords,) do agree to pay to the tenant, and what all such under rent cast up together amount to?

This is the kind of enquiry which has been made in the private estate, to make its value appear considerable.

2dly, Whether they have not contracted with tenants for leases for one year, and what the returns of such contracts were? Whether they have not frequently set the same lands afterwards to other tenants, notwithstanding the former agreements, for a little more than the first tenant contracted for? And whether they have not dispossessed the first tenant, and compelled him, and by what means, to advance his rent, or quit the possession?

3dly, Whether they have not ordered their collectors, managers, and receivers, to demand more rents than the tenants contracted for, and not to allow what the tenant paid for quit-rents, or the land-tax; and in default of payment, to distrain? Whether they have not directed their receivers not to obey or regard any replevins, if the tenant should sue out such, and require sheriffs, (particularly the sheriff of the county of Limerick) not to issue or execute any replevin against any person distraining by their order? Have they any entries or copies of the orders given by them to their collectors and receivers? These would be worth perusal.

4thly, What is the reason why lessees, who are not liable to pay quit-rent, or any more than a moiety of the land-tax, have been obliged to pay their whole rent, with-

out allowance given for quit-rent, or for the landlord's part of the land-tax paid by t h m, only being promised an allowance for the money in some future half-year's rent? If the intent of this proceeding should be to make the rent-roll as considerable as possible, that were a deceitful representation to continue the house under the same mistake, into which the former report led them, which the house will hardly endure. It's past all dispute, that the incurring interest of allowed incumbrances, and arrears due for quit-rent, and for the land-tax, mightily swell the debt, and that they must be paid one time or other, unless the land be sold, and by that means, and by the clause in the act, the quit-rent and land-tax be cut off; but this would be such a piece of injustice, as it is to be hoped will not be suffered.

13. As to the hardships put upon the claimants, and the burden upon the whole kingdom, the irregularity of their proceedings, and the liberty they take by their supreme power of setting aside formal settled regular proceedings at law, it may be worth enquiring,

1st, The trustees being by the act impowered to send for persons as they shall think fit, (which seems so great a trust and authority, that it ought not to be put into other hands,) have they not committed that power of summoning persons to any clerk or clerks, and to whom? Have not several persons been summoned from remote parts of the kingdom, and after long attendance at Dublin, been dismissed without being examined? Have not blank summons been sent into the country, and filled up there? Have not claimants attended with their witnesses at the times their claims were posted to be heard, and been put off from day to day, yet obliged to attend at the peril of their claims being dismissed for want of prosecution? Have they not been so delayed and put off upon motion of the trustees' council, or of Mr White, upon a bare suggestion, that they should have evidence hereafter for the trust? Did the trustees in cases of this nature, when the claims had been regularly posted, and the times for their coming on were well known to Mr White, require an oath, or put them off upon bare allegations, or shewing of letters out of the country? Was not this very expensive to the claimants? Was any allowance made to them for such their loss and expence?

2dly, Where a protestant was in possession before the 13th of February, 1688, or since that time, upon mortgages, judgments, extents, or otherwise, of lands belonging to forfeited persons:

Whether the trustees have not dispossessed such protestants, and received the profits, although such protestants recovered at law, (after the forfeiture,) against the king or his grantee, whilst they had the estate of the forfeiting person in them, and were actually in possession when the act past?

3dly, When such protestant incumbrances have been allowed upon the claims of such protestants, whether they have again been put into possession, or been paid any part of the interest of their incumbrances by the trustees?

The act vesting the lands in the trustees, according to the several interests of the forfeiting persons, with a saving to the rights of others, whether they do carry the equal and indifferent hand which persons intrusted as judges ought, if they do first by their power first dispossess him who had a lawful title to the possession, because the act vests the lands in them, but afterwards, though the claimant's title be allowed, will not restore him to his possession, or allow him interest for his money?

14. The property of the subjects of Ireland, though not much valued and regarded by some people, is to them as dear as theirs is to the happier men, whose lot is fallen to them in England, and they wish for nothing more than to be subject to the same laws as Englishmen. Ireland has been famous to a proverb, for producing witnesses ready to assert any thing that may give them a prospect of yielding advantage: Such wit-

nesses, and the credit they deserve, are pretty well known to their neighbourhood, the inhabitants of that country, who have been long under the afflicting necessity of conversing with them: But they are not so unskilful in their trade, as not to be able to frame stories so consistent, that strangers to them and their behaviour (of which kind of persons the trust is for the greatest part composed) may easily be imposed upon by them. I mention not this out of a desire that more trustees of that kingdom should be appointed. That nation has had too sad experiences of the candour and good-will of some of her natives already, to make that her wish. But since the matters subject to their enquiry and determination are of so great value, and property is so highly concerned, whether it might not have been reasonable to have kept up to the old law of England, of enquiring by jury in some of the most difficult and considerable cases, if not in all, might surely be worthy of consideration, especially if what I hear some of the trustees pretend unto, and aim at, be true.

In a place that never had a privilege of holding parliaments of its own confirmed to it, let it be never so entirely subjected to the crown of England by an absolute conquest, or otherwise, yet if the benefit of English laws were once granted to it, I cannot believe that a parliament of England would think it reasonable to subject the estates and properties of persons living there, not guilty of any crime, nor under any accusation, to the arbitrary will and disposal of any number of men: yet according to the interpretation some of these gentlemen put upon their own authority, and which, as it is reported, they are endeavouring to get explained and established by new clauses, this seems to be the case of Ireland.

15. The words of the act do vest the estates of forfeiting persons in the trustees, and impower them to dispose of those estates. *A.* who is a forfeiting person, has lands called *D.* adjoining to the estate of *B.* A forfeiting person called *S. A.* is in possession of a piece of land, as parcel of his estate, but B. laid claim to it as a parcel of *S.* The trustees in this case are warranted by the act to adjudge that *B.'s* estate called *S.* is vested in them; but if they may go farther, and determine that that particular parcel of land, of which *A.* was in possession, is parcel of that of *S.* (the estate vested in them) and thereupon shall dispossess *A.* (such opinions and cases there have been) and this proceeding should be established, what man in Ireland can be safe? Or what estate is there in that kingdom that is not subject to their pleasure, and arbitrary determination, without jury, or other legal proceedings whatsoever, or any appeal of redress?

16. Might it not be of dangerous consequence to allow a power to persons (some of whom have shewed themselves not very well versed in legal proceedings) to ravel into the acts of courts of justice, and unsettle legal determinations, taking upon themselves a jurisdiction to determine between party and party, which of them has a right to the thing claimed, and by that determination in effect reversing a former decree, or other legal proceeding? For example: A debt claimed upon a forfeited estate by two several claimants, both of them fully, and to satisfaction, make the debt appear to be due; so that the trustees are by the act required to decree that it is a just debt: but what are the words of the act, or was it ever the intent of the parliament to take from the proper courts, and the ordinary course of law, the power of deciding to which of the contesting parties the debt belongs, and to make the trustees, the judges, and determiners of that which in no sort encreases or diminishes the sum to be raised? Yet such cases there are where the trustees have exerted their power, and taken upon themselves to adjudge (and that too contrary to former legal determinations in proper courts) to which of the parties the debt of right belongs, and have refused to form their decree in such terms as might have allowed the debt, and saved the right (whatever it was) of each party.

17. A few instances of this kind may shew how dangerous a thing the giving of a power, which seems unlimited, may prove, and what the consequences of their obtain-

ing a general confirmation of their proceedings, would be, which it seems they are endeavouring to procure.

18. The trustees by the act have a power to adjust accounts on penalties. A protestant incumbrancer is in possession by virtue of his incumbrance (for example, tenants by elegit or statute) the land is granted by the king in fee, and the grantee sells it: The purchaser (whose business and interest it then was to be as strict in exacting an account as possible) accounts with the tenant by elegit, &c. and after the best information he can get, settles the land, as if it were worth two shillings per acre, during the extent, and pays the ballance of the account settled: having now lost two-thirds of his purchase-money at least in effect, claims the remainder of the debt which he paid to the creditor, and has not received out of the profits of the land. The master to whom the account is referred charges the land as worth (by a value now set upon it) four shillings per acre, so as the debt is not only paid, but a great balance on the other side. Were it not a strange way of accounting in this case, to charge him that paid off the debt for clearing his purchase, with more profits made of the land than he could get allowed in his accounting with the creditors, though he used his utmost endeavours, and good husbandry, as it was his interest, all that he could get allowed being for what appeared then so much saved in his pocket; so that he may be concluded to have done his best?

19. Have not the trustees obliged all persons who had money secured to them by judgment, statute, or mortgage, since May 86, to prove the actual payment and loan of the money, and adjudged all securities on voluntary conveyances within the intent of the act, where there has not been actual proof of the payment of the money? And have not several persons lost their debts upon that account, though there was no ground of suspicion, or pretence of fraud, in acknowledging such statute or judgment; but for want of witnesses directly proving the payment of their money, have had their claims dismissed?

20. Have not the trustees protected all persons from arrests, who either are summoned as witnesses, or pretend to be able to do service by making out a title to lands in the trustees?

Have not several debtors been thus protected, who never did or could do such service? Does not Mr Abraham White their clerk give such summons as oft as asked, and enter any man's name as a discoverer who calls himself so? That entry makes his person sacred, till application is made to the trustees, who, it's true, of late have been less fond of protecting such persons than formerly: But the expence of moving the trustees, and procuring a report of the matter is so great, that few complain of the hardships of that kind which they lie under.

21. Upon the whole matter, if the parliament shall upon examination find the resumption itself, in the manner it now stands, a great blow to the protestant interest in Ireland, and a lessening the English interest there; if it be made evident to them, that the expences of attending by claimants and persons summoned to Dublin, by the power of the trustees, will amount to a greater charge upon that impoverished kingdom, than the whole enquiry will return neat to England; if they shall find that the powers given the trustees, either really in themselves, or as they are put in practice, do put a stop at present to the common course of justice in that kingdom, ravel into, and unsettle legal determinations as far beyond the common sense of the words of the act, as the powers themselves do exceed all that were ever yet granted; and if after all this the continuance of this act, and of the execution of it, will prove at last only an enriching of some particular persons out of the spoil of a poor harassed kingdom, and giving to a few opportunities of venting their private piques and animosities, without turning to any considerable advantage to England; it is humbly offered to the consideration of the

parliament, whether England will not think it worth its while to fall in with some more tolerable expedient of gaining out of those estates so much as they may bear, without the ruining many innocent families who have been faithful to its interests, and not insist upon the exerting of such an extraordinary power, so unprecedented in its frame, and fatal in its consequences?

22. The writer of this paper would not by any of his expressions be apprehended to charge all the trustees with the hardships and severities of which Ireland complains. He believes there are among them some very honest gentlemen who bear no particular grudge, in whose composition malice has no share, who are not so far engaged in point of reputation to maintain the first report, or linked with those who are, so as to break through rules of justice to do it: He wishes there were a few more of the same kind. The different carriage of those gentlemen upon the bench, and their candour in hearing fairly without asking captious questions, making such enquiries as shew that they search after truth, and are willing to hear the whole as well what makes against them as for them, does distinguish their behaviour, and shew that they intend to put the trust reposed in them honestly in execution, and (as some people have expressed it) to make no more hard cases than are made to their hands. But the skill of the resolved gentlemen is such, that there can be no publick distinction made; their debates and votes, like those of the inquisition, are private among themselves, and the sentence of the majority there, is pronounced generally upon the bench by one of them as the opinion of the whole number. I blame not the proceeding, but mention the course as an excuse for charging the trustees in general with things which I am satisfied some of them do abhor, and cannot submit to without indignation.

Thus have I endeavoured with candour and justice to lay things as they really are before the great and wise legislators of this nation, to whose determination I do with all humility submit the same.

A true List of the Knights, Citizens, and Burgesses of this present Parliament, appointed by Proclamation to meet at Westminster, on Thursday, the 6th of February, 1700-1.

(Note, Those who have this mark [*] before them, were not members of the last parliament.)

Bedfordshire, 4.
The Right Hon. the Lord Edward Russel
Sir William Gostwick, Kt. and Bar.

Town of Bedford.
William Spencer, Esq.
* Samuel Rolt, Esq.

Berks, 9.
Sir Humphry Foster, Bar.
Richard Neville, Esq.

Borough of New Windsor.
The Rt. Hon. John Lord Visc. Fitzharding
Richard Topham, Esq.

Borough of Reading.
Sir Owen Buckingham, Kt.
* Francis Knowles, Esq.

Borough of Wallingford.
* William Jennings, Esq.
* Thomas Randa, Esq.

Borough of Abingdon.
Symon Harcourt, Esq.

Bucks, 14.
The Right Hon. William Lord Cheyne, Viscount Newhaven
The Hon. Goodwin Wharton, Esq.

Town of Buckingham.
Sir Richard Temple, Bar.

Sir Edmund Denton, Bar.
Borough of Chipping Wicomb.
Charles Godfrey, Esq.
* Fleetwood Dormer, Esq.
Borough of Aylesbury.
* Sir Thomas Lee, Bar.
The Hon. James Herbert, Esq.
Borough of Agmondesham.
The Right Hon. William Lord Cheyne, Viscount Newhaven
Sir John Garrard, dead
Borough of Wendover.
John Backwell, Esq.
* Richard Hambden, Esq.
Borough of Great Marlow.
Sir James Etherege, Kt.
James Chase, Esq.

Cambridgeshire, 6.
The Right Hon. John Lord Cutts
Sir Rushout Cullen, Bar.
University of Cambridge.
The Hon. Henry Boyle, Esq.
Anthony Hammond, Esq.
Town of Cambridge.
Sir John Cotton, Bar.
Sir Henry Pickering, Bar.

Cheshire, 4.
Sir John Manwaring, Bar.
Sir Robert Cotton, Bar.
City of Chester.
* Sir Henry Bunbury, Bar.
Peter Shackerly, Esq.

Cornwall, 44.
The Rt. Hon. Hugh Boscowen, Esq.
John Speccot, Esq.
Borough of Dunhivid, alias Lanceston.
The Rt. Hon. Henry Lord Hyde
William Carey, Esq.
Borough of Leskard.
William Bridges, Esq.
Henry Darrel, Esq.
Borough of Lestwithiel.
* Sir John Molsworth, Bar.
* John Buller of Keverel, Esq.
Borough of Truro.
Henry Vincent, Esq.
Hugh Fortescue, Esq.
Borough of Bodmin.
The Hon. Russel Robarts, Esq.
John Hoblyn, Esq.
Borough of Helston.
Charles Godolphin, Esq.
Sidney Godolphin, Esq.
Borough of Saltash.
Alexander Pendarvis, Esq.
Francis Buller, Esq.
Borough of Camelford.
Dennis Glynn, Esq.
Henry Manaton, Esq.
Borough of Portwigham, alias Westlow.
James Kendall, Esq.
John Mountstevens, Esq.
Borough of Crampound.
Sir William Scawen, Kt.
Francis Scobell, Esq.
Borough of Eastlow.
Sir Henry Seymour, Kt.
* —— Godolphin, Esq.
Borough of Penryn.
Alex. Pendarvis, Esq.
Samuel Trefusis, Esq.
Borough of Tregony.
Francis Robarts, Esq.
Hugh Fortescue, Esq.
Borough of Bossiney.
The Hon. Francis Robarts, Esq.
John Tregagle, Esq.
Borough of St. Ives.
James Praed, Esq.
* Benjamin Overton, Esq.
Borough of Foway.
The Hon. John Granville, Esq.
* —— Williams, Esq.
Borough of St German.
John Specott, Esq.
Daniel Eliot, Esq.
Borough of St Michael.
* Anthony Row, Esq.
* William Beau, Esq.
Borough of Newport.
* John Prideaux, Esq.
—— Stratford, Esq.
Borough of St Mawes.
Sir Joseph Tredenham, Kt.
John Tredenham, Esq.
Borough of Callington.
Sir William Croyton, Bart.
Robert Roll, Esq.
Cumberland, 6.
* Richard Musgrave, Esq.
* Gilfrid Lawson, Esq.
City of Carlisle.
* Philip Howard, Esq.
James Lowther, Esq.
Borough of Cockermouth.
William Seymor, Esq.
George Fletcher, Esq.

Derbyshire, 4.
The Right Hon. William Lord Marquis of Hartington
The Right Hon. John Lord Roos
Town of Derby.
The Rt. Hon. Lord James Cavendish
* Sir Charles Pye, Bart.

Devonshire, 26.
Francis Roll, Esq.
* William Courtenay, Esq.
City of Exeter.
Sir Edward Seymour, Bar.
Sir Bartholomew Shower, Kt.
Borough of Totness.
Francis Gwynne, Esq.
Thomas Colson, Esq.
Borough of Plymouth.
Charles Trelawney, Esq.
Henry Trelawney, Esq.
Town of Oakhampton.
William Harris, Esq.
Thomas Northmore, Esq.
Borough of Barnstaple.
Nicholas Hooper, Serj. at Law
Arthur Champneys, Esq.

Borough of Plimpton.
Courtney Croker, Esq.
Martin Rider, Esq.
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The History of the Kentish Petition. 1740.

In the first year of the eighteenth century, the Tory party predominated in the House of Commons, and the Whigs in the House of Lords. The Commons had already commenced the memorable

impeachment of the seven lords who advised and carried through the Partition Treaty. The Whigs, on the other hand, had been active in stirring a popular aversion to the Tory ministers, and had formed a scheme of obtaining such a number of petitions from counties and corporations as should intimidate their opponents into a change of measures. The first presented was that of the gentlemen and yeomanry of Kent, which was couched in a style of remonstrance so petulant, that the gentlemen who presented it were ordered into custody, and remained in the Gatehouse until the parliament was prorogued. They had no cause, however, to regret this temporary confinement, which placed them at the head of their party, and recommended them to general notice and public esteem.

The Preface.

'Twould be hard to suspect him of errors in fact, who writes the story of yesterday: A historian of three weeks must certainly be just, for had he never so much mind to lie, it would be nonsense to expect the world could be imposed upon, every body's memory would be a living witness against him, and the effect would be only to expose himself.

Authors of histories generally apologize for their quotations, plead their industry in the search after truth, and excuse themselves by asserting to the faithfulness of their collections. The author of the following sheets is not afraid to let the world know, that he is so sure every thing that is related in this account is litterally and positively true, that he challenges all the wit and malice the world abounds with, to confute the most trifling circumstance.

If aggravations are omitted, and some very ill-natured passages let go without observations, those persons who were guilty of them may observe that we have more good-nature than they have manners; and they ought to acknowledge it, since a great many rudenesses both against the king himself and the gentlemen concerned have escaped their scurrilous mouths which are not here animadverted upon.

And lest the world should think this presumptive, and that the accusation is only a surmise, we will query what they think of that kind remark of Mr J. How, finding the king's letter to the house, and the Kentish petition to come both on a day, and the substance to be the same, "that the king, and the Dutch, and the Kentish men were all in a plot against the House of Commons."

I could have swelled this pamphlet to a large volume if I should pretend to collect all the Billingsgate language of a certain house full of men, against the king, the lords, and the gentlemen of Kent; but it is a fitter subject for a satire than a history: they have abused the nation, and now are become a banter to themselves; and I leave them to consider of it, and reform.

I assure the world I am no Kentish man, nor was my hand to the petition: Though, had I been acquainted with it, I would have gone a hundred miles to have signed it, and a hundred more to have had the opportunity of serving my country, at the expence of an unjust confinement for it.

It may be fairly concluded, I am no Warwickshire man neither, with a petition in my pocket brought a hundred miles, and afraid to deliver it.

Nor my name Sir Robert Clayton, by which you may know that I did not promise the members, who were then in fear enough, to use my interest to stifle a city petition.

Nor is my name Legion; I wish it were, for I should have been glad to be capable of speaking so much truth, and so much to the purpose, as is contained in that unanswerable paper.

But I am an unconcerned spectator, and have been an exact observer of every pas-

sage, have been an eye and ear-witness of every most minute article, and am sure that every thing related, is as exactly true as the causes of it are all scandalous and burthensome to the nation.

As to the gentlemen of the House of Commons, I shall not pretend to enter into their character, because I care not to enter into captivity, nor come into the clutches of that worst of brutes, their serjeant.

Literally speaking, no member of the House of Commons can be a Jacobite, because they have taken the oaths to King William. But this may be observed, that the Jacobites in England are generally the only people who approve of their proceedings and applaud their measures; and it is observable, that at Paris and St Germans, the genteel compliment of a health in all English company is, *a la Sante Monsieur Jack How;* the truth of which there are not a few very good gentlemen in town can attest, from whence I think I may draw this observation, that either he is a Jacobite, or the Jacobites are a very good-natured people.

Noscitur ex socio qui non dignoscitur ex se.

The following sheets contain an exact history of the Kentish petition, and of the treatment the gentlemen who presented it met with, both from the House, the serjeant, and at last from their country.

The best way to come to a conclusion, whether the gentlemen petitioners were well or ill used, is to review the matter of fact; all panegyricks and encomiums come short of the natural reflections which flow from a true account of that proceeding, and the whole is collected in this form, and all the world may judge by a true light, and not to be imposed upon by partial and imperfect relations.

On the 29th of April, 1701, the quarter-sessions for the county of Kent began at Maidstone, where William Colepepper, of Hollingbourn, Esq. was chosen chairman, though he was then absent, and with an unusual respect the bench of justices proceeded to do business, and kept the chair for him for several hours, till he came.

The people of the county of Kent, as well as in most parts of the kingdom, had expressed great dissatisfaction at the slow proceedings of the parliament; and that the king was not assisted, nor the protestants abroad considered; and the country people began to say to one another in their language, "That they had sowed their corn, and the French were a-coming to reap it:" And from hence it is allowed to proceed, that during the sitting of the session, several of the principal freeholders of the county applied themselves to the chairman aforesaid, and told him, it was their desire that the bench would consider of making some application to the parliament, to acquaint them of the apprehensions of the people.

The chairman replied, "It was the proper work of the grand jury to present the grievances of the country, and therefore he referred them to the said grand jury who were then sitting."

The grand jury being applied to, accepted the proposal, and addressing to the said Mr Colepepper, the chairman, acquainted him that they had approved of such a motion made as before, and desired that the bench would join with them; the chairman told them he would acquaint the justices of it, which he did, and they immediately approved of it also, and desired the said William Colepepper, Esq. their chairman, to draw a petition.

Mr Colepepper withdrew to compose it, and having drawn a petition, it was read and approved, and immediately ordered to be carried to the grand jury, being twenty-one in number, who all unanimously signed it, and brought it into court, desiring all the gentlemen on the bench would do the same; whereupon the chairman and three-and-

twenty of the justices signed it, and the freeholders of the county crowded in so fast, that the parchment was filled up in less than five hours time; and many thousands of hands might have been had to it, if the justices had not declined it, refusing to add any more rolls of parchment, as insisting more upon the merits of the petition, than the number of subscribers. By all which, it appears, how foolish and groundless their pretences are, who would suggest, that the petition was a private thing transacted by a few people; whereas 'tis plain 'twas the act and deed of the whole country.

As soon as the petition was signed, and there was no more room for any hands, it was delivered by the grand jury to the aforesaid William Colepepper, Esq. chairman of the session, and he was desired to present it in their names to the parliament, which at their request he promised to do, and the rest of the gentlemen, viz. Thomas Colepepper, Esq. Justinian Champneys, Esq. David Pollhill, Esq. and William Hamilton, Esq. offered themselves to go with him.[1]

On Tuesday the 6th of May, they came to town with the petition, and the next day they went up to the house, and applied themselves to Sir Thomas Hales, in order to desire him to present it to the house; he being one of the representatives of the county of Kent: Sir Thomas read the petition, and telling them it was too late to

[1] Of these gentlemen, Noble gives the following account:—"Justinian Champneys, Esq. was of an ancient family, originally of Somersetshire, but for many centuries resident in Kent. One of his ancestors was Sir John Chamneis, lord mayor of London, in the reign of Henry VIII. whence he returned to Hall-place, in Bexley. From Justinian, the youngest and only survivor of seven sons, this gentleman was descended, whose seat was at Boxley, having removed from Bexley; but purchasing the manor of Westenhanger in Stanford, Kent, he took down the ancient house, and built another upon its scite, but much smaller, where he died at an advanced age, in 1748, leaving three sons; Justinian, who died abroad in 1754, s. p.; William, who was of Vintners in Boxley, and many years one of the commissioners of revenue in Ireland; and Henry, also of Vintners, who died in 1781, unmarried; so that all the property came to the two daughters and coheirs of William. Frances, one of them, is unmarried; Harriet, by John Burt, Esq. left several children.

"Sir Thomas Culpeper of Preston-hall, in Aylesford, Knt. was descended from a family who boasted a long list of knights, two creations of baronets, and one branch was ennobled. He had no issue by his lady, who died in 1691. He survived till 1723, and was buried by her side, in Aylesford church. There is nothing particularly worthy notice respecting him, but that he served the office of sheriff for Kent in 1704, and represented the town of Maidstone in parliament in 1705, 1708, 1710, and 1714. Alicia, his sister, became his heir, who was four times married, but had no children. This lady settled Preston-hall and her other estates upon the family of her fourth husband, John Milner, M. D.

"William Culpeper, Esq. a branch of Sir Thomas Culpeper's family, was of Hollingbourne in Kent, where he died, and was buried in 1726. He left, by Elizabeth his wife, three sons and three daughters. It is remarkable, that of the numerous branches of these Colepepers, or Culpepers, in Kent and Sussex, not an individual now remains in either country.

"James Hamilton, Esq. youngest son of James Hamilton who accompanied Charles II. in his exile, and became greatly and deservedly valued by that monarch. He was a gentleman of the bed-chamber, and a colonel, and died June the 6th, 1673, after having had one of his legs shot off in a naval engagement with the Dutch, when serving as a volunteer. Mr Hamilton married Elizabeth, eldest daughter of John Culpeper, Lord Culpeper, which accounts for this his son James having settled in Kent, whose mother died in 1709, and left him by her will her seat of Chilston, and the manor of Lenham, with other estates in Kent. By Margaret, daughter of Sir Thomas Culpeper of Hollingborne, he left several children. The eldest son was John Hamilton, Esq. of Chilston, sheriff of Kent in 1719. James, the eldest brother of the petitioner, became the sixth Earl of Abercorn.

"David Polhill, Esq. of Chepsted in Kent, was eldest son of Thomas Polhill, Esq. and Elizabeth, daughter of Henry Ireton, lord-deputy of Ireland, by the daughter of Oliver Cromwell, lord protector. Mr Polhill was member of parliament for the city of Rochester from 1727 to 1754, and keeper of the records of the Tower. He died Jan. 15, 1754, aged 80, and was buried with his ancestors. The epitaph on his monument in Alford church asserts, that 'he was ever active and steady in promoting the true interests of his sovereign, and defending the just liberties of the subject, both civil and religious; with which laudable view he generously hazarded his own safety by being one of the Kentish petitioners in the reign of King William. His humanity to his dependants, generosity to his relations, tenderness and affection to his family, steadiness and sincerity to his friends, merited and gained him a very general approbation and esteem.' He had no issue by his two first wives; Elizabeth, daughter of Thomas Trevor, of Glynd Sussex, Esq.; and Gertrude, sister of the Duke of Newcastle; but several children by his third, Elizabeth, daughter of John Borrel of Shoreham in Kent, Esq. prothonotary of the court of Common Pleas. Charles Polhill, Esq. of Chepsted, his eldest son, lately died at that place."—Noble, III. 211.

present it that day, it being after twelve o'clock, desired they would let him show it Mr Pelham of Sussex, and Mr Colepeper told him he was willing enough Mr Pelham should see the petition, not doubting he would be a friend to it, but that he was unwilling to part with it, being entrusted with it by his country, adding, "That he should make but an indifferent figure in this country, if the petition should be got out of his hands and lost." Whereupon Sir Thomas Hales past his word and honour, that he would not shew it to any person whatever, but to Mr Pelham, and that he would return it to them immediately. But this word and honour so solemnly engaged, was as easily forgotten: For having gotten the petition, he carried it into the house, where he stayed an hour and an half, and then returning, he gave it to the gentlemen; and told them he had shewn it to Sir Edward Seymour [*] and several others.

This perfidious action to that very part of the nation which he represented, deserves some special notice, and there is no question but the people will remember it for him, and show their resentment on proper occasions.

Mr Colepeper, in the name of the rest, gave him an answer suitable to the action, and sufficient to let him know their surprise at so ungentleman-like usage, viz. "That he had broke his word, and served his country very ill." But this being neither place, nor season, for further debates, he appointed to meet them in the evening, and then after making them wait two hours beyond his time, he adjourned them till next morning in the Court of Request, where he told them absolutely, that he would not deliver the petition.

Here it is very observable, that at the very time Sir Thomas Hales came out of the house, and returned the petition in the manner above-mentioned, Mr Meredith, the other representative for the county, came to them, and told them that their petition had been exposed in the house, and that Mr How was then making a speech against it.

The gentlemen finding themselves thus betrayed by Sir Thomas Hales, consulted together, about finding another more proper person to deliver the petition, and resolved to apply themselves to Mr Meredith, the other member for the county of Kent, and Mr Meredith having agreed to deliver it, in case Sir Thomas Hales should refuse, had appointed to meet them, with several other gentlemen, members of the house, in order to consult about the matter of the petition, and the manner of delivering it.

In the morning the house being met, Mr Meredith came out and told them the house was in such a ferment that none of the gentlemen durst appear for it, nor come to them, and he doubted would not venture so much as to speak a word in the house for the petition.

Nor were these all the discouragements the gentlemen met with in their presenting the petition, but several members of the house pretending respect, and others that were really their friends, and in concern for them, came out of the house to them, and endeavoured to persuade them not to expose themselves to the fury of the house, by delivering the petition, telling them that Mr How in particular had said, "That if there were one hundred thousand hands to the petition, they should be all made examples of." And Sir Edward Seymour added, "That the whole country should be double taxed, and the estates of those who presented it be confiscated to the use of the war."

Although these menaces, together with the almost omnipotent power of the House of Commons, had circumstances enough in them to shake the resolution of a whole county, yet they had not the effects here which was expected, for the gentlemen, far from being terrified at all this, unanimously declared their resolution to discharge the trust placed in them by their country, and to present it to the house; and Mr William Colepeper in particular alluding to the words of Luther, to those who dissuaded him from going to the city of Worms, told them, "That if every tile upon the chapel of

[*] Sir Edward Seymour was the head of the Tory party.

Saint [1] Stephen's was a devil, he would present the petition." And all of them declared, "That if none of the gentlemen would do their country so mu h service as to present their grievances to the parliament in a legal petition, they would knock at the door of the house and deliver it themselves." Mr Meredith, finding the gentlemen so resolute, did consent to carry the petition, which he performed with great discretion and fidelity.

The petition being thus delivered, the gentlemen attended; for Mr Speaker, further to intimidate them, had let fall some speeches, "That it was the usage of the house when a petition was brought in, the persons who presented it ought to be ready without to justify the matter of their petition." And the gentlemen seeing no reason to be ashamed of theirs in particular, resolved to abide the utmost which their and the nation's enemies could do to them.

Having waited about half an hour, they were called in to the bar of the house, where Mr Speaker, treating them in his usual haughty tone, this short dialogue passed between them.

Speaker. Gentlemen, is this your petition? [*Holding up the petition by one corner.*
Gentlemen. Yes, Mr Speaker. [*Bowing very respectfully.*]
Speaker. And, gentlemen, you own this petition?
Gentlemen. Yes, Mr Speaker.
Speaker. And, gentlemen, your hands are to this petition?
Gentlemen. Yes, Mr Speaker.
Speaker. [*Turning to one of the clerks.*] Carry it to them, and see if they will own their hands. [*Which they severally did.*]
Speaker. Withdraw, and expect the order of the house.

Whereupon they withdrew, and attended in the lobby, and now began the second attack upon their resolutions; for the members, who came out, represented with all the terror imaginable the fury of the house; imprisonment and the ruin of their fortunes and families was the least they had to expect; impeachments, laws *ex post facto*, tacking them to money-bills, and all the arbitrary methods which any arbitrary parliament have ever made use of to ruin those who have felt their magnipotent indignation, were laid before them. When some who pretended pity for the misfortune of so many worthy gentlemen, came out of the house and told them they had yet a lucky moment left them, by an immediate submission, to fly to the clemency of the house, that they were sent out by Sir Edward Seymour and the rest of the gentlemen on that side, to let them know that Mr How was now speaking, and would continue so for some time, to give them opportunity to recollect themselves, and by a timely acknowledgment to save themselves from ruin.

The gentlemen being at a loss to know in what particular they could have given the house such offence, and being well assured they were in the protection of the law, and had not acted any thing but what the known constitution of the realm expressly allowed, remained still unshaken, and boldly replied, "They had nothing to say but what was in their petition."

But being further pressed by Sir Theophilus Oglethorpe, and several other gentlemen; and because they would not shew any disrespect to the house, or seem to slight their displeasure, they considered of an answer to be given to the proposal of submission.

And because whatever answer they gave might be misrepresented to the house, de-

[1] The house that the commons did sit in was formerly St Stephen's chapel.—*Orig. Note.*

livered by word of mouth, they resolved to put it into writing, and having consulted a while, they agreed to send in this civil answer.

"We are humbly of opinion, that it is our right to petition this honourable house, according to the statute of 13 Car. II. As to the matter of our petition, we declare that we intend nothing offensive to this honourable house."

This writing being shewn to Sir Theophilus Oglethorpe, and several other members, they began to smile, and imagined their point gained, and told the gentlemen they were glad they began to be sensible of their danger; and if they would but add one word more, viz. that they were sorry for what they had done, they would undertake for the clemency of the house: This they unanimously refused, one of the gentlemen with some heat replying, 'We will have no sorry.' Here the members, (or conspirators rather) would have had them put it, that they did it through inadvertency. This they also refused, declaring that they did it at the request of their country, maturely and deliberately, were justified in doing it by the laws of the land, and they would never recede from it.

So they delivered the paper to Sir Thomas Hales, but whether he delivered it to the house or no, he never had the civility to inform them.

The debate in the house held five hours, after which notice was given them by the messengers, that the house had voted the petition scandalous, insolent, and seditious, [vid. the votes] tending to destroy, &c. and ordered them to be taken into custody for the same; upon which the gentlemen went and immediately surrendered themselves to the serjeant, though the warrant was not made out for some hours after.

The serjeant only asked them where he should come to them at dinner, which was agreed to be at the Castle-Tavern, in Fleet-street, where they dined on Thursday, Friday, and Saturday, and were hitherto very civilly treated by his officers; and accompanied by great numbers of citizens and gentlemen of the first quality, and not a few of the nobility; the officers were seldom with them, went of errands for them, and oftentimes were all absent together; so that there was no colour of reason for the serjeant to say, he feared a rescue, for they had all the opportunities they could desire, if they had had the least design to escape, and it was never heard of that they who could escape when they pleased, would expose their friends to the hazard of a rescue.

On Friday in the evening, Mr Serjeant began to treat with them, and representing his absolute power, letting them know, that he had an unbounded liberty of using them at discretion, that he could confine them at pleasure, put them into dungeons, lay them under ground, keep them apart, remove them daily, and keep all people from them, by making them close prisoners. He thereby gave them to understand, that he expected a consideration suitable to his civility; upon this the gentlemen offered him a hundred guineas, half in hand, and the other when they should be discharged, though it should be next day: The serjeant neither accepted nor refused the offer, nor expressed any dislike as if he thought it too little, but appointed to come to them the next day.

Saturday in the evening Mr Thomas Colepeper, having notice that his lady was very much frightened at his confinement, desired leave of the messenger, in whose custody he was, to let him go down to Maidstone, upon his parole, to return by Monday night; which the messenger tacitly granted.

The rest of the gentlemen being met at the tavern, expecting the serjeant according to appointment, and having waited till ten o'clock, instead of coming himself, he sends orders to the messengers to separate the gentlemen, and confine them in several prisons, that very night; which order the officers executed as rudely as the serjeant could desire, saving that they obtained the civility from the officers to be confined two in one place, and two in another; but were hurried away with such unmannerly indecency, that they would not permit them to send for their night-gowns and necessaries.

In this manner Mr William Colepeper and Mr Justinian Champneys were carried to Myatt's house, the messenger, in Fox-Court in Holborn, where they had this hard choice proposed to them at their entrance, whether they would lodge in the cellar or in the garret; and chusing the latter, they were thrust into a little hole on the top of the house, where they had all the inconveniences of a nasty prison, as base lodging, foul sheets, little covering, and a cold room, by which means they both took such cold as they have not yet recovered.

But Mr Serjeant, lest they should not be treated ill enough, coming the next morning to Mr Myatt's house, was in a great rage at him, and drawing his sword, cut him over the head, for 'using the gentlemen so civilly,' as he called it: afterwards coming up into the garret where Mr Colepeper and Mr Justinian Champneys were lodged, they asked him, what order he had for using them thus? he replied, he had an order from those who committed them. Being asked again, if there was any such vote passed in the house? he said, no; but he had an order. Mr Colepeper replied, 'If it be not a vote of the house, pray how is it an order? have the majority of the house, one by one, come to you, and given you direction to use us thus barbarously?' he replied, yes, they had. For which scandalous reflection, if false, his masters, the members of the House of Commons, are exceedingly obliged to him. Mr Colepeper told him, 'he believed he should live to see him hang'd:' and so they parted.

All this while Mr Polhill and Mr Hamilton were put into a cellar, without the favour of having their choice, and had so vile a lodging that they could scarce breathe; and were likewise in their turn bullied by Mr Serjeant the next day; and when they asked him to shew them the copy of their commitment, he denied it; Mr Polhill in particular replied, they asked him nothing but what by law he ought to grant: He rudely replied, 'he cared not a fart for them, nor the law neither;' and so left them; which refusal of his he may hear of again perhaps in a way of legal application.

On Tuesday he gave the house notice, that the younger Mr Colepeper had made his escape, though he had a letter from him that he would be in town that very day; and at the same time he made a complaint that the other gentlemen behaved themselves so disorderly, that he apprehended a rescue; though the gentlemen, to avoid any suspicion, had voluntarily surrendered their swords to the messengers, without being required so to do.

This complaint to the house was the gentlemen's deliverance, and the serjeant's disappointment, though not in kindness to them neither; for ordering them to the Gatehouse, as a more ignominious confinement, the serjeant lost the extravagant fees which he designed to extort from them; and the humanity of Captain Taylor, the keeper of the Gatehouse, made their restraint easy to them; for this keeper used them like gentlemen, and the reputation he has obtained by his civility, will be as lasting as the infamy of the serjeant; the one leaves a grateful acknowledgment in the mouths of all men, and will always be spoken of to his advantage; and the other nauseous like the person, is dishonourable both to his memory, and to the house that employed him.

On Wednesday, Thomas Colepeper, Esq. the younger brother, who had been in Kent, and who was just come up according to his promise, rendered himself to the speaker, and desired to be sent to his brethren. Mr Serjeant, who thought to make himself amends upon him, laboured to have him continued in his custody, and had not that party in the house thought the Gatehouse a greater punishment, possibly it had been so. But therein that infallible house were deceived, and he was delivered from the hands of a villain, by his enemies themselves, who thought they had mortified him the more, to the infinite regret of the serjeant, and the general satisfaction of his fellow sufferers.

The same morning that Mr Colepeper surrendered himself, the Legion Paper,[1] as it was called, was sent to the house; it was said it was delivered the Speaker by a woman, but I have been informed since that it was a mistake, and that it was delivered by the very person who wrote it, guarded with about sixteen gentlemen of quality, who, if any notice had been taken of him, were ready to have carried him off by force; it was reported, that Mr Thomas Colepeper brought it out of Kent, and that all the country were at his heels to make it good, though it was really no such thing, and that gentleman declared he knew nothing at all of it.

But be it as it will, that paper struck such a terror into the party in the house, that from that time there was not a word ever spoken in the house of proceeding against the Kentish petitioners, and the members of that party began to drop off and get into the country, for their management began to be so disliked over the whole nation, that their own fears dictated to them they had run things too far.

The clashings with the upper house about the trial of the four peers they had impeached, and the miserable shifts they were driven to by the lords, to avoid trying them, served but to make them more uneasy, and to hasten the dispatch of the money bills in order to the prorogation, which was on the 23d of June, 1701.

By the prorogation, the Kentish gentlemen were discharged; but to shew their respect to the civility of Captain Taylor their keeper, they continued to lodge with him till they went into the country.

The first honour done them on account of their sufferings, was their being invited to a noble entertainment at Mercers-hall in Cheapside, at the charge of the citizens of London, where above two hundred gentlemen dined with them, together with several noble lords and members of parliament.

Thursday the 2d of July, they set out for Kent; the citizens had offered to accompany them out of town, but they declined it, desiring to go privately.

And those who pretend to charge them with affecting popularity, would do well to remember, that they were fain to send their coaches empty out of town, and go by water to meet them, to avoid the respect which the citizens would have shewn them.

But there was no shunning the appearance of the country, who shewed their value for the gentlemen, and the cause for which they had suffered, in all the possible terms of respect and affection.

The first instance of this was at Black-heath, where Mr David Polhill, one of the gentlemen, was to separate from the rest, his road lying near Bromley to his house at Ottford in Kent. He was met at Black-heath by the above five hundred horse, who received him into the midst of them, and surrounded his coach with such shouts, and joy, as sufficiently testified their respect for him and their satisfaction at his return among them: nor can I omit, that having to satisfy my curiosity, drank among and discoursed with some of that party, while they were waiting for Mr Polhill, I never heard of any gentleman more universally beloved by the country or more particularly distinguished for modesty and temper; and I believe I may affirm that it would be hard to find any gentleman so near the city of London, who could have had such an appearance, of his own tenants and neighbours, to congratulate his deliverance.

Mr Polhill being come to the corner of the park wall on Black-heath, stopt to take his leave of his brethren, and giving them a loud huzza, wished them a good journey, and proceeded to Ottford.

All possible demonstrations of joy concluded the day, and it has not been known that the country ever expressed more satisfaction since the coronation of King William, than at the return of this gentleman.

The rest of the gentlemen proceeded to Rochester, where they were met by such a

[1] See this remarkable paper in the sequel. It was even in a more violent strain than the petition, and generally imputed to De Foe.

body of horse, that the principal inns of the town could not entertain them, some of whom had come twenty miles to meet them.

The mayor of Rochester paid his respect to them, and complained that he had no notice given him of their coming, otherwise he would have met them out of town with a good body of horse.

Here they rested to refresh themselves and horses, and about six o'clock set forward for Maidstone; the people of Maidstone, though it was market day, could not have patience to wait at the place where they generally go to meet the judges, but a great many horsemen met them on the Downs, and the top of Boxley-hill, four miles from the town.

At Sandlin, about two miles from the town, the gentlemen of the neighbourhood met them with their coaches, and an innumerable multitude of people on horseback, and on foot, shouting and bidding them welcome.

After a short stay here to receive the compliments of the gentlemen, they proceeded (the gentlemen's coaches falling into the rear) to the park, the seat of the Lady Taylor, who is married to Mr Thomas Colepeper, where they were welcomed by the said Lady Taylor, the old Lady Colepeper the mother of the gentleman, and several ladies of quality, the people shouting all the while, A Colepeper! a Colepeper! and the poor strowing the ways with greens and flowers; and thus they proceeded into the town, with such universal acclamations of the people, as the like was never seen in that country since the restoration of King Charles II.

The night concluded with a great bonfire, and the healths of all the gentlemen drank round it, to the great mortification of the Jacobites, of whom there are but very few in those parts; and to the general satisfaction of the country.

Nor was this the only appearance; for at Beartsted, about three miles further, the country was assembled, the bells rung, and several hundreds of the people continued together all night, with extraordinary joy, expecting that the elder Mr Colepeper. Mr Champneys, and Mr Hamilton, would have continued their journey to Holingbourn, the antient seat of the family of the Colepepers; but the extraordinary reception they found at Maidstone, had detained them so long, that it was too late to go on; so they lay at Maidstone that night, and the next day abundance of gentlemen and country people came particularly to pay their respects to them, and bid them welcome into the country.

And at the time of the assizes lately held at Maidstone, the grand-jury, consisting of very eminent gentlemen and freeholders of the country, whereof twelve were justices of the peace, went in a body to the gentlemen, and publicly gave them thanks for their fidelity to the country, in delivering their petition to the parliament.

In all these expressions of the country's joy at the return of these honest gentlemen, it might be enquired, what they said of the parliament, because it is so natural to curse with one hand, when we bless with the other, that it might be rationally expected; it is true, the country being justly disobliged at the ill usage of these gentlemen, did not spare their reflections, but I chuse to pass it over, because it is not parliaments in general, but the conspirators and Jacobite party in a parliament, that are at present the nation's burthen, and from whom she groans to be redeemed.

The Conclusion.

Had this nation listened to the calls of their own reason, and to the voice of things, all this confusion of councils had been prevented; had the people of England chosen men of honesty, and of peaceable principles, men of candour, disengaged from interest and design, that had nothing before them but the benefit of their country, the safety

of religion, and the interest of Europe, all this had been avoided; they would never have imprisoned five honest gentlemen, for coming to them with the sense of their country in a peaceable petition; they would never have had the occasion to repent of their refusing to hearken to the voice of the people: But it is too late to look back, the nation has had the misfortune to chuse them, and our peace, and liberty, and the protestant interest in Europe, is too much in their hands.

All the advice I can pretend to give my fellow-slaves and countrymen is, that they would not be backward to let the gentlemen know, that the nation is sensible they are not doing their duty; and withall, that to impose upon the rights and liberties of the English nation, has always been fatal to the persons of those who have attempted it, and their examples stand as buoys and marks to warn posterity of the hidden dangers which others have fallen into.

It has been fatal to favourites, to judges, to lords, and to kings, and will certainly be so even to parliaments, if they descend to abuse the people they represent.

The imprisoning these five gentlemen had neither reason, law, pretence, nor policy in it.

It had no reason in it, because they had offended against no law, either of reason, or the nature of the thing.

It had no law in it, because they had no legal power to commit any but their own members.

And I am of the opinion, they are convinced there was no policy in it, for there is seldom much policy in doing that publicly, which we know we shall be ashamed of.

The not proceeding against them afterward, shewed they were either ashamed or afraid; had they been in the right, there could be no reason to fear; and if in the wrong, they had all the reason in the world to be ashamed.

To commit five gentlemen to custody, for petitioning them to do what they really knew they ought to have done, it was the most preposterous thing in nature: To punish for humbly petitioning! it is nonsense in itself. God himself permits the meanest and most despicable of his creatures to remind him, as we may say, of their wants, and petition for his aid: The most contemptible beggar is permitted to be importunate for relief, and though the law is against him, we are not affronted at it. But to resent the representation of their country, and imprison gentlemen who, at the request of the freeholders of a country, came, under the express protection of an act of parliament, to deliver a petition! it was the most ridiculous inconsistent action that ever parliament of England was guilty of; and, with submission, I think the best action the same house can do, at their next meeting, is to vote that it should be razed out of their journals, and never be made a precedent for the time to come; upon which condition, and no other, the nation ought to forgive it them.

The act of 13 Carol. II. to assert the right of the subjects petitioning, is a sufficient authority for any one to quote, and those that pretend to call this an illegal act, must first trample down the authority of that act of parliament.

Let this act justify me, in saying, that to imprison Englishmen for petitioning, is illegal, and a dishonour to English parliaments: *Legion*, article the 3d.

But, say the lame excusers of this eccentric motion of the house, this was a factious thing contrived by a few private insignificant people of no value, and the matter of it is saucy and impertinent.

First, had it been a petition of the meanest and most inconsiderable person in England, and that single by himself, provided he were a freeholder of England, he had a legal right to speak his mind; for that same reason from whence the commons in parliament claim a freedom of speech, gives every commoner a freedom to speak to the house, since every freeholder has an equal concern in their debates, and equal power in deputing them to sit there. But because this right unlimited might be tumultuous and un-

easy, therefore the method how we shall do it, is circumscribed for decency's sake, that it shall be done by petition, and that petition shall be presented so and so, and by such a number and no more: but that it should not be lawful to petition, no tribunal, no court, no collective or representative body of men in the world ever refused it; nay, the inquisition of Spain does not forbid it, the divan of the Turks allows it, and I believe if Satan himself kept his court in public, he would not prohibit it.

But besides this, the fact is not true: As for it being contrived by a few people, let the impartial relation here given, answer that ridiculous untruth, unless you will account the county of Kent a few; for certainly eleven parts of twelve of the whole county, and now of the whole kingdom, approve of it.

Nor has the reproach upon the persons presenting it more of truth, unless gentlemen of ancient and illustrious families, whose ancestors have been known for several ages to be men of honour and estates, allied to several of the nobility, and now known and valued by the whole country, both for their considerable fortunes, as well as personal merit; unless, I say, such men are to be accounted private and inconsiderable, the charge cannot be true: To such I shall only say, that the ancestors of these gentlemen were members of ancient parliaments, and of such parliaments as would have been ashamed of committing such an absurdity, as to imprison the freeholders of England for a peaceable petition.

As to the matter of the petition, and which some people say was a banter, the turning their loyal addresses into bills of supply. The gentlemen ought to have had liberty to explain themselves, which if they had done, I am of the opinion that it would have been to this purpose, that they thought it was proper "the house should speedily supply the king so with money, as that he might be enabled to defend our protestant neighbours from the encroachments of France;" and not to lose their time in addressing the king in matters of less moment.

I shall conclude with this short animadversion by way of remark, and let all men judge of the justness of the observation.

"That as this was the first time that ever the English nation petitioned to be taxed, so this was the first parliament that ever addressed the king to take care of himself, and defend himself against his people."

Addenda.

Some book-learn'd fools pretend to find a flaw,
In our late senate votes for want of law,
And insolently say the men of Kent
Were rudely handled by the parliament.
Knowledge of things would teach them every hour,
That Law is but an heathen word for power.
Might, right, force, justice, equity,
Are terms synonimous, and must agree;
For who shall e'er the argument confute,
Where power prevails, and no man dare dispute?
Nature has left this tincture in the blood,
That all men wou'd be tyrants if they cou'd,
Not kings alone, not ecclesiastic pride,
But parliaments, and all mankind beside.
All men, like Phæton, would command the reins,
'Tis only want of power that restrains.

Then why should we think strange the parliament
The people's late petitions shou'd resent?
'Tis fatal to tyrannic power, when they
Who shou'd be ruin'd, grumble to obey:
And tyrants never can complete their reign,
So long as injured subjects dare complain;
If they do not their first address withstand,
What now they supplicate, they'll soon command,
By first suppressing early discontent,
They aim'd the consequences to prevent,
For well they knew that should the nation try,
To ask once more, they durst not twice deny.
England has this one fate peculiar to her,
Never to want a party to undo her,
The court, the king, the church, the parliament,
Alternately pursue the same intent,
Under the specious term of liberty,
The passive injured people to betray:
And it has always been the people's fate
To see their own mistakes when 'twas too late,
Senseless of danger, sleepy and secure,
Till their distempers grew too strong to cure;
Till they're embraced by the approaching grave,
And none but Jove and miracles can save.
In vain bold heroes venture to redeem
A people willinger to sink than swim:
If there's a Brutus in the nation found,
That dares patrician usurpation wound,
He's sure to find an ignominious grave,
And perish by the people he would save.
Such are by virtue signalized in vain,
We'll own the merit, but abuse the men.
Marius saved Rome, and was by Rome despised;
And many a Russel we have sacrificed.
Then who for English freedom would appear,
Where lives of patriots are never dear,
And streams of generous blood flow unregarded there?
Posterity will be ashamed to own,
The actions we their ancestors have done,
When they for ancient precedents enquire,
And to the journals of this age retire,
To see one tyrant banish'd from his home,
To set five hundred traitors in his room.
They'll blush to find the head beneath the tail,
And representing treachery prevail:
They'll be amazed to see there was but five,
Whose courage could their liberty survive,
While we that durst illegal power dethrone,
Should basely be enslaved by tyrants of our own.

The arrival and imprisonment of the Kentish petitioners gave occasion to the following Address, which was written, it is said, by the celebrated Daniel de Foe, and presented by him disguised as a woman. The bold language with which it expresses the popular indignation at the imprisonment of British subjects, for the exercise of their constitutional right of petitioning parliament, had the effect of intimidating those to whom it was addressed, and all further proceedings against the Kentish petitioners were laid aside. "In what manner," says Ralph, "it was communicated to the house, or whether at all according to form, does not appear from the journals. All that we find there is, That the serjeant at arms having been ordered to go his round with the mace, to summon such members as he should find to attend the house, a complaint was made of endeavours to sow tumults and sedition in order to disturb the public affairs, and it was ordered thereon that a committee should be appointed to draw up an address, humbly to lay before his majesty the endeavours of several ill-disposed persons, to raise tumults and sedition in the kingdom; and humbly to beseech his majesty that he will provide for the public peace and security. The committee so appointed consisted of 53 persons. They were to meet the same day at 5 o'clock in the speaker's chamber; they were empowered to send for persons, papers, and records, and were directed to sit *de die in diem:* but having thought better of it, no report was called for, and the whole affair was silently let fall.

"That, however, the house was in no small ferment, appears from a minute on the journals, which intimates that such warm words had passed betwen Sir William Strickland and Mr How, that the authority of the house was made use of to prevent consequences: as also from the paragraph of another piece of the same brazen author, called Legion's New Paper, or second Memorial, wherein it is said that Mr How in the course of the debate said he was in fear of his life: that several other members were frighted into the country, and that in general the whole house were frighted out of their wits, as appeared by their senseless address to his majesty to defend himself against his people, which they were afterwards ashamed to present.

"And it is certain, that in proportion as the public grew more and more infatuated with their resentments against France, and their passion for a war, and as the difficulties and controversies increased, numbers of members did absent themselves from the service, nor could be prevailed to return either by orders or letters from the chair, accompanied with all the menaces of the house.

"If, therefore, they did on some occasions, by yielding to the various pressures of the times, depart a little from the firmness they manifested at first, it is scarce to be wondered at. A noise without doors is more discouraging than opposition within, and when the people are divided in their opinions, that of the court, like the serpent of Aaron, will swallow all the rest."—RALPH, II. 953.

Mr S——R,

The iuclosed memorial you are charged with, in the behalf of many thousand of the good people of England.

There is neither popish, jacobite, seditious, court or party interest concerned in it, but honesty and truth.

You are commanded by two hundred thousand Englishmen, to deliver it to the H——s of C——s, and to inform them that it is no banter, but serious truth; and a serious regard to it is expected; nothing but justice and their duty is required, and it is required by them who have both a right to require, and power to compel, viz. the people of England.

We could have come to the house, strong enough to oblige them to hear us, but we have avoided any tumults, not desiring to embroil, but to save our native country.

If you refuse to communicate it to them, you will find cause in a short time to repent it.

To R——t H——y, Esq. S——r to the H——e of C——, These.

THE MEMORIAL.

To the K——s, C——s, and B——s in P———t assembled.

A Memorial from the Gentlemen, Freeholders, and Inhabitants of the Counties of—— in Behalf of themselves, and many Thousands of the good People of England.

Gentlemen,

It were to be wished you were men of that temper, and possessed of so much honour, as to bear with the truth, though it be against you; especially from us who have so much right to tell it you; but since, even petitions to you from your masters, (for such are the people who chose you) are so haughtily received as with the committing the authors to illegal custody, you must give us leave to give you this fair notice of your misbehaviour, without exposing our names.

If you think fit to rectify your errors, you will do well, and possibly may hear no more of us; but if not, assure yourselves the nation will not long hide their resentments. And though there are no stated proceeding to bring you to your duty, yet the great law of reason says, and all nations allow, that whatever power is above law, it's burdensome and tyrannical, and may be reduced by extrajudicial methods: You are not above the people's resentments; they that made you members may reduce you to the same rank from whence they chose you; and may give you a taste of their abused kindness, in terms you may not be pleased with.

When the people of England assembled in convention, presented the crown to his present majesty, they annexed a declaration of the rights of the people, in which was expressed what was illegal and arbitrary in the former reigns, and what was claimed as of right to be done by succeeding kings of England.

In like manner, here follows, gentlemen, a short abridgment of the nation's grievances, and of your illegal and unwarrantable practices; and a claim of right which we make in the name of ourselves, and such of the good people of England as are justly alarmed at your proceedings.

I. To raise funds for money, and declare by borrowing clauses, that whosoever advances money on those funds shall be reimbursed out of the next aids, if the funds fall short; and then give subsequent funds, without transferring the deficiency of the former, is a horrible cheat on the subject who lent the money, a breach of public faith, and destructive of the honour and credit of parliaments.

II. To imprison men who are not your own members, by no proceedings but a vote of your house, and to continue them in custody, *sine die*, is illegal; a notorious breach of the liberty of the people, setting up a dispensing power in the House of Commons, which your fathers never pretended to, bidding defiance to the *habeas corpus* act, which is the bulwark of personal liberty, destructive to the laws, and betraying the trust reposed in you. The king, at the same time, being obliged to ask you leave to continue in custody the horrid assassinators of his person.

III. Committing to custody those gentlemen, who at the command of the people (whose servants you are) and in a peaceable way, to put you in mind of your duty, is

illegal and injurious; destructive of the subjects liberty of petitioning for redress of grievances, which has by all parliaments before you been acknowledged to be their undoubted right.

IV. Voting a petition from the gentlemen of Kent insolent, is ridiculous and impertinent, because the freeholders of England are your superiors; and is a contradiction in itself, and a contempt of the English freedom, and contrary to the nature of parliamentary power.

V. Voting people guilty of bribery and ill practices, and committing them as aforesaid, without bail, and then upon submission, and kneeling to your house, discharging them; exacting exorbitant fees by your officers is illegal, betraying the justice of the nation, selling the liberty of the subject, encouraging the extortion and villainy of jailors and officers; and discontinuing the legal prosecutions of offenders, in the ordinary course of law.

VI. Prosecuting the crime of bribery, in some to serve a party, and then proceed no further, though proof lay before you, is partial and unjust, and a scandal upon the honour of parliaments.

VII. Voting the Treaty of Partition fatal to Europe, because it gave so much of the Spanish dominions to the French, and not concern yourselves to prevent their taking possession of it all; deserting the Dutch, when the French are at their doors, till it be almost too late to help them, is unjust to our treaties, and unkind to our confederates, dishonourable to the English nation, and shew you very negligent of the safety of England, and of our protestant neighbours.

VIII. Ordering immediate hearings to trifling petitions, to please parties in elections; and postpone the petition of a widow, for the blood of her murdered daughter, without giving it a reading, is an illegal delay of justice, dishonourable to the public justice of the nation.

IX. Addressing the king to displace his friends upon bare surmises, before a legal trial or article proved, is illegal, and inverting the law, and making execution go before judgment; contrary to the true sense of the law, which esteems every man a good man till something appears to the contrary.

X. Delaying proceedings upon capital impeachments, to blast the reputation of the persons, without proving the fact, is illegal and oppressive, destructive of the liberty of Englishmen, a delay of justice, and a reproach to parliaments.

XI. Suffering saucy and indecent reproaches upon his majesty's person to be publickly made in your house, particularly by that impudent scandal of parliaments, John How, without shewing such resentments as you ought to do, the said John How saying openly, 'that his majesty had made a felonious treaty to rob his neighbours, insinuating that the Partition Treaty (which was every way as just as blowing up one man's house to save another's,) was a combination of the king, to rob the king of Spain of his due.' This is making a Billinsgate of the house, and setting up to bully your sovereign, contrary to the intent and meaning of that freedom of speech, which you claim as a right, is scandalous to parliament, undutiful and unmannerly, and a reproach to the whole nation.

XII. Your S——r exacting the exorbitant rate of ten pounds *per diem*, for the V——s, and giving the printer encouragement to raise it on the people, by selling them at four-pence per sheet, is an illegal and arbitrary exaction, dishonourable to the house, and burthensome to the people.

XIII. Neglecting still to pay the nation's debts, compounding for interest, and postponing petitions, is illegal, dishonourable, and destructive of the public faith.

XIV. Publicly neglecting the great work of reformation of manners, though often pressed to it by the king, to the great dishonour of God, and encouragement of vice,

and neglect of your duty, and abuse of the trust reposed in you by God, his majesty, and the people.

XV. Being scandalously vicious yourselves, both in your morals and religion; lewd in life, and erroneous in doctrine, having public blasphemers and impudent deniers of the divinity of our Saviour among you, and suffering them unreproved and unpuni h-ed, to the infinite regret of all good Christians, and the just abhorrence of the whole nation.

Wherefore, in the said prospect of the impending ruin of our native country, while parliaments (which ought to be the security and defence of our laws and constitution) betray their trust, and abuse the people whom they should protect: And no other way being left us, but that force which we are very loth to make use of, that posterity may know we did not insensibly fall under the tyranny of a prevailing party, we do hereby claim and declare,

1. That it is the undoubted right of the people of England, in case their representatives in parliament do not proceed according to their duty, and the people's interest, to inform them of their dislike, disown their actions, and to direct them to such things as they think fit, either by petition, address, proposal, memorial, or any other peaceable way.

2. That the House of Commons, separately and otherwise than by bill legally passed into an act, have no legal power to suspend or dispense with the laws of the land, any more than the king has by his prerogative.

3. That the House of Commons have no legal power to imprison any person, or commit them to custody of serjeants, or otherwise (their own members except) but ought to address the king, to cause any person, on good grounds, to be apprehended; which person so apprehended, ought to have the benefit of the *habeas corpus* act, and be fairly brought to trial, by due course of law.

4. That if the House of Commons, in breach of the laws and liberties of the people, do betray the trust reposed in them, and act negligently or arbitrarily and illegally, it is the undoubted right of the people of England to call them to an account for the same, and by convention, assembly, or force, may proceed against them as traitors and betrayers of their country.

These things we think proper to declare, as the unquestioned right of the people of England, whom you serve, and in pursuance of that right, (avoiding the ceremony of petitioning our inferiors, for such you are by your present circumstances, as the person sent is less than the sender,) we do publicly protest against all your foresaid illegal actions, and in the name of ourselves, and of all the good people of England, do require and demand,

1. That all the publick just debts of the nation be forthwith paid and discharged.

2. That all persons, illegally imprisoned, as aforesaid, be either immediately discharged, or admitted to bail, as by law they ought to be; and the liberty of the subject recognized and restored.

3. That J——n H——w aforesaid, be obliged to ask his majesty pardon for his vile reflections, or be immediately expelled the house.

4. That the growing power of France be taken into consideration; the succession of the emperor to the crown of Spain supported, our protestant neighbours protected, as the true interest of England and the protestant religion requires.

5. That the French king be obliged to quit Flanders, or that his majesty be addressed to declare war against him.

6. That suitable supplies be granted to his majesty, for the putting all these necessary things in execution, and that care be taken, that such taxes as are raised may be more equally assessed and collected, and scandalous deficiences prevented.

7. That the thanks of the house may be given to those gentlemen, who so gallantly

appeared in the behalf of their country, with the Kentish petition, and have been so scandalously used for it.

Thus, gentlemen, you have your duty laid before you, which it is hoped you will think of; but if you continue to neglect it, you may expect to be treated according to the resentments of an injured nation; for Englishmen are no more to be slaves to parliaments, than to a king.

Our name is Legion, and we are many.

Postscript.

If you require to have this memorial signed with our names, it shall be done on your first orders, and personally presented.

I.

Ye true-born Englishmen proceed,
Our trifling crimes detect,
Let the poor starve, religion bleed,
The Dutch be damn'd, the French succeed,
And all by your neglect.

II.

Your actions all the world disgust,
The French are only glad,
Your friends your honesty distrust,
And while you think you're wise and just,
The nation thinks you mad.

III.

Are these the ways your wisdom takes,
To raise our reputation;
To quarrel at a few mistakes,
Whilst France its own advantage makes,
And laughs at all the nation?

IV.

You are the people who of old,
The nation's troops disbanded,
And now you should your friends uphold,
Your friends and you are bought and sold,
As always was intended.

V.

There's none but fools in time to come,
Will trust the English nation;
For if they do, they know their doom,
That we'll be falling out at home,
And baulk their expectation.

VI.

You are the nation's grand defence,
Against illegal power,
And yet against both law and sense,
And sometimes too without pretence,
You send folks to the Tower.

VII.

Some lords your anger have incurr'd,
For treaty of partition,
But if you'll take the nation's word,
Most people thing it was absurd,
And empty of discretion.

VIII.

For if that treaty, as 'tis famed,
Gave part of Spain to Gaul,
Why should those gentlemen be blamed,
When you yourselves are not ashamed,
To let them take it all?

IX.

Bribes and ill practices you found,
And some few felt yorupower,,
But soon you run yourselves a-ground
For had you push'd the matter round,
You all had gone to th' Tower.

X.

Some reformation hath from you
In vain been long expected,
But when you shou'd the business do,
Your private quarrels you pursue,
And th' nation lies neglected.

XI.

Long has the kingdom borne the weight
Of your deficient funds,
Parliamentary public cheat,
Pray where's the difference of that
And plundering w th dragoons?

XII.

Are you the people that complain
Of arbitrary power?
Then show the nation if you can,
Where kings have been since kings began,
Such tyrants as you are.

XIII.

When kings with right and law dispense,
And set up power despotic,

It has been counted law and sense,
To take up arms against our prince,
And call in aids exotic.

XIV.

But you, although your powers depend
On every ploughman's vote,
Beyond the law that power extend,
To ruin those you should defend,
And sell the power you bought

XV.

The king religion did commend
To you his law-explainers,
We know not what you may intend,
Nor how you should religion mend,
Unless you will your manners.

XVI.

You are the nation's darling sons,
The abstract of the mob,
For city-knights and wealthy clowns,
Stock-jobbers, statesmen and buffoons,
You may defy the globe.

XVII.

Toland insults the Holy-Ghost,
Bribed S——r bribes accuses,
Good manners and Religion's lost,
The king who was your lord of host,
The rascal H——w abuses.

XVIII.

Your statesman G——lle, with intent
To cultivate with care
The dignity of parliament,
Plies closely at the dancing tent,
And manages May-Fair.

XIX.

The true-born hero's diligence
For publick good appears,
There he refines his wit and sense,
That the next day in our defence
May fill committee chairs.

XX.

The limitation of the crown
Is your immediate care
If your wise articles go down,
Your power will be so lawless grown,
'Tis no matter who's the heir.

XXI.

Did we for this depose our prince,
And liberty assume,
That you should with our laws dispense,
Commit mankind without offence,
And govern in his room ?

XXII.

You should find out some other word
To give the crowns accepter,
To call him king would be absurd,
For though he'll seem to wear the sword,
'Tis you have got the sceptre.

XXIII.

And now your wrath is smoking hot
Against the Kent petition,
No man alive can tell for what,
But telling truths which pleased you not,
And taxing your discretion.

XXIV.

If you those gentlemen detain
By your unbounded power,
'Tis hoped you'll never more complain
Of bishops in King James's reign,
Sent blindly to the Tower.

XXV.

A strange memorial too there came,
Your members to affront,
Which told you truths you dare not name,
And so the paper scaped the flame,
Or else it had been burnt.

XXVI.

Some said the language was severe,
And into passion flew ;
Some too began to curse and swear,
And call'd the author mutineer,
But all men said 'twas true.

XXVII.

But oh ! the consternation now
In which you all appear !
'Tis plain from whence your terrors flew,
For had your guilt been less you knew,
So would have been your fear.

XXVIII.

In fifteen articles you're told
You have our rights betray'd,
Banter'd the nation, bought and sold
The liberties you shou'd uphold;
No wonder you're afraid.

XXIX.

And now, to make yourselves appear
The more impertinent,
A wise address you do prepare,
To have his majesty take care
Rebellion to prevent.

XXX.

No doubt his majesty will please
To take your cause in hand,
Besides, the work is done with ease,
Full seven thousand men he has
The nation to defend.

XXXI.

One hundred thousand heroes more
Do our train'd-bands compose,
If foreign forces shou'd come o'er,
Plant them and you upon the shore,
How bravely you'd oppose!

XXXII.

Then blush, ye senators, to see
How all men stand dismay'd,
The nation shou'd so patient be,
To bear with all your villainy,
And see themselves betray'd.

XXXIII.

It was our freedom to defend,
That we, the People, chose you,
And we, the People, do pretend
Our power of chusing may extend
To punish and depose you.

XXXIV.

For since in vain our hopes and fears,
Petitions too are vain,
No remedy but this appears,
To pull the house about your ears,
And send you home a gain.

XXXV.

These are the nation's discontents,
The causes are too true,
The ploughman now his choice repents,
For though he values parliaments,
He's out of love with you.

XXXVI.

When to be chose with caps in hand
You courted every voice,
You were our servants at command,
By which it seems you understand,
Until we made our choice.

XXXVII.

If that be true, we let you know
Upon that very score,
You'd best your present hours bestow
In all the mischiefs you can do,
For we'll ne'er chuse you more.

Legion's New Paper: Being a second Memorial to the Gentlemen of a late House of Commons. With Legion's humble Address to his Majesty: By T. G. Gent. 1702.

Gentlemen,

The greatest respect which could possibly have been shown to you by the people of England, had been to have let your actions have sunk into forgetfulness, and in kindness to you, have let neither you nor your deeds have been named any more in your native country.

But since these people who (in your house) were so restless in their endeavours to ruin us, are not ashamed to undertake your defence, we are obliged, in the just vindication of our native right, further to expose your errors, than in charity to your memory we designed.

We were bound to let the people know, that a late pamphlet printed by your own club, and industriously spread over the whole nation, entitled, a Defence of the last Parliament, is calculated to wheedle the people to chuse you again.

But we hope their eyes will be opened. And we wonder you can suggest that the freeholders should so contradict the language of their addresses, and be found so to mock the king and the nation, as to address you out of doors, and then put you in again themselves; if they should act so unaccountably, kings for the future will the better know what English addressing signifies.

Gentlemen,

The same hand that presented your speaker with a certain memorial, called the Legion Paper, written, as Mr Harley very well knows, in a hand that stood the wrong way; that paper which came, as is said, from two hundred thousand Englishmen; that paper which frighted Mr P. and Mr H——t, and several others, into the country;

that paper which Mr How, in a lamentable tone, told the house, made him, from the sense of his own guilt, afraid of his life; that paper which put you all so besides yourselves, as to make a senseless address to his majesty, to defend himself against his people; which address you were afterwards ashamed to present; that paper which you had so little wit as to read, and so much modesty, that is, guilt, as to blush at; that paper which made you wish you had never committed the Kentish petitioners, and made you afraid to prosecute them; that paper which made you clap up the sessions in such haste, as made the lords baffle you, and all the nation ashamed of you; that paper which made you pass one good vote at parting, to desire the king to make alliances, &c. which some of your members called a sweetner, that you might not be afraid to go home: the same hand presents you with this paper, as the true sense of the nation concerning you.

The author does not come *incognito* as before, but you may see it at the corner of every street, every bookseller can sell it you, every Englishman has it in his head; and your humble servant the author is to be spoken with at his house as constantly as a quack-doctor, from eight to twelve in the morning, and from two till nine at night.

It had been time for your defender to have voted the author of the Legion to Tyburn, when the charge there given you in the name of the people of England had been cleared.

And the author tells you, he will be content with that fate when you will fairly disprove one article of that yet unanswered paper.

There you may see, gentlemen, that the nation's exceptions at your behaviour, are not to be reduced to three heads of your own making; the first of which nobody ever charged on you, but your new defender; but if we mistake not, there are no less than fifteen articles of illegal proceedings, from one of which, you, nor all the men alive, cannot fairly purge you, which for your better satisfaction are here transcribed.

I. To raise funds for money, and declare, by borrowing clauses, that whosoever advances money on those funds, shall be reimbursed out of the next aids, if the funds fall short; and then give subsequent funds, without transferring the deficiency of the former, is a horrible cheat on the subject who lent the money; a breach of public faith, and destructive to the honour and credit of parliaments.

II. To imprison men who are not your own members, by no proceedings but a vote of your house, and to continue them in custody, *sine die*, is illegal; a notorious breach of the liberty of the people; setting up a dispensing power in the House of Commons, which your fathers never pretended to; bidding defiance to the *Habeas Corpus* act, which is the bulwark of personal liberty, destructive of the laws, and betraying the trust reposed in you, the king at the same time being obliged to ask you leave to continue in custody the horrid assassinators of his person.

III. Committing to custody those gentlemen, who, at the command of the people (whose servants you are) and in a peaceable way put you in mind of your duty, is illegal and injurious, destructive of the subjects liberty of petitioning for redress of grievances, which has by all parliaments before you been acknowledgd to be their undoubted right.

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V. Voting people guilty of bribery and ill practices, and committing them as aforesaid without bail, and then upon submission and kneeling to your house, discharging them, exacting exorbitant fees by your officers, is illegal, betraying the justice of the nation, selling the liberty of the subject, encouraging the extortion and villainy of

gaolers and officers, and discontinuing the legal prosecutions of offenders in the ordinary course of law.

VI. Prosecuting the crime of bribery in some to serve a party, and then proceed no further, though proof lay before you, is partial and unjust, and a scandal upon the honour of parliaments.

VII. Voting the Treaty of Partition fatal to Europe, because it gave so much of the Spanish dominions to the French, and not concern yourselves to prevent their taking possession of it all. Deserting the Dutch when the French are at their doors, till it be almost too late to help them, is unjust to our treaties and unkind to our confederates, dishonourable to the English nation, and shews you very negligent of the safety of England, and of our protestant neighbours.

VIII. Ordering immediate hearings to trifling petitions, to please parties in elections; and postpone for the petition of a widow the blood of her murthered daughter, without giving it a reading, is an illegal delay of justice, dishonourable to the public justice of the nation.

IX. Addressing the king to displace his friends upon bare surmises, before any legal trial or article proved, is illegal, an inverting the law, and making execution go before judgment, contrary to the true sense of the law, which esteems every man a good man till something appears to the contrary.

X. Delaying proceedings upon capital impeachments, to blast the reputation of the persons without proving the fact, is illegal and oppressive, destructive of the liberty of Englishmen, a delay of justice, and a reproach to parliaments.

XI. Suffering saucy and indecent reproaches upon his majesty's person to be publicly made in your house, particularly by that impudent scandal of parliaments J——n H——w, without shewing such resentment as you ought to do: The said H——w saying openly, that his majesty had made a felonious treaty to rob his neighbours; insinuating that the Partition-Treaty (which was every way as just as blowing up one man's house to save another) was a combination of the king to rob the crown of Spain of its due: This is making a Billingsgate of the house, and setting up to bully your sovereign, contrary to the intent and meaning of that freedom of speech which you claim as a right, is scandalous to parliaments, undutiful and unmannerly, and a reproach to the whole nation.

"XII. Your S——r exacting the exorbitant rate of ten pounds *per diem* for the V——s, and giving the printer encouragement to raise it on the people, by selling them at fourpence *per* sheet, is an illegal and arbitrary exaction, dishonourable to the house, and burthensome to the people.

"XIII. Neglecting still to pay the nation's debts, compounding for interest, and postponing petitions, is illegal, dishonourable, and destructive of the public faith.

"XIV. Publicly neglecting the great work of reformation of manners, though often pressed to it by the king, to the great dishonour of God, and encouragement of vice, is a neglect of your duty, and an abuse of the trust reposed in you, by God, his majesty, and the people.

"XV. Being scandalously vicious yourselves both in your morals and religion, lewd in life and erroneous in doctrine, having public blasphemers and impudent deniers of the divinity of our Saviour among you, and suffering them unreproved and unpunished, to the infinite regret of all good Christians, and the just abhorrence of the whole nation."

The best shift that ever was found yet to help you was by Sir Humphrey Mackworth, that you are not to be told your faults, although they are true.

> Forbid it, Heaven, that truth shou'd ever be
> Subjected to usurp'd authority.

And are you the men who want to be chosen again, who think you deserve so much favour from the nation, as to be trusted again with those liberties you betrayed? With what face can you desire the people should be so blind to their own interest?

What we have now to say, was true of you some time ago, but you had so fenced yourselves by your usurped, unlimited, dispensing power, and by Sir Humphrey Mackworth's new doctrine, that an honest man could not inform the world what you were, without the danger of being abused by your serjeant, and being refused the benefit of the *Habeas Corpus* act, and confined in a garret during the arbitrary pleasure of your house.

But since you are dissolved, and now reduced to an equality with your fellow subjects, we think the least we can do, is to let you know, the freeholders of England are sensible of your behaviour, and those who are not, may be informed from the following particulars.

You are the men who, sitting in the leets of council, representing the good people of England, vested with legislative authority, and having the liberties and estates of your native country put into your hands, mis-improved that unlimited power to oppress the very people who chose you to defend them.

By unjustly imprisoning the freeholders of England for coming to put you in mind of your duty, and oppressing such as you had no power to touch, they being under the immediate protection of the known laws.

By partial proceedings against such persons as the prevailing party thought fit to expel, as guilty of bribery, wisely, though unjustly, declining the proceedings against others more guilty, whose assistance to do evil you wanted in the house.

By not refusing to declare war without ground, for nobody desired it, but delaying the public affairs, till the enemy was at the door. Flanders possessed, Portugal discouraged and fallen off, the Dutch besieged, and his majesty obliged to turn solicitor, and, to your shame be it spoken, permitted almost to beg you to make good the leagues and stipulations of his predecessors.

By impeaching members of the House of Lords, and shuffling off their trial by miserable shifts and ridiculous punctilios, the end being to blast their reputation, not prove the fact, that they might be put out of places and yourselves put in.

By quarrelling with the House of Lords, at a time when peace at home was the most necessary thing in the world, at the same time the circumstances being unjust, and the management ridiculous.

You are the men who, since the last recess, have scattered yourselves about the kingdom to make yourselves advocates for your own proceedings, and, if possible, to reconcile the people to your actions, and possess them with a belief of your honesty, a certain sign your deeds would not speak for themselves, who, in all your foolish discourses, take upon you to vilify and reproach the king, expose his servants and ministers, though your accusation, to this hour, remain unproved.

Who so far from giving the people any hopes that you would recollect yourselves against another session, and proceed to discharge your duty, and the trust reposed in you, with more fidelity and moderation, have filled the town with your threatnings of what you would do at your coming together again:

How you would begin where you left off with your disputes against the House of Lords.

How you would make the king agree to clip the wings of their authority, or give him no money.

How you would enter upon no business till you had humbled the lords, that if they insisted on their privileges, the blame of the delays might lie upon them, and so find a way at one act to throw your spleen at the peers and at the king together.

You are the men to whom we owe the many neutralities of the princes and circles

of the empire, and Italy, the league of the Portugueze with the French, and the French king's venturing to acknowledge another king of England.

'Twas the fears of your being corrupted by a French party, made our friends abroad shy of engaging in the protestant interest; and the hopes of it has, on the other hand, encouraged the French to insult the christian world, and bid fair for all the liberties of Europe.

'Twas a creature of your speaker's, and a fawning dependant upon the party, who, scribbling for favour, had the impudence to affirm in print, "That leagues and confederacies, allies and foreign treaties were useless and insignificant to England: that we were an island separated from the rest of the world independent of any body; and if all the world leagued against us, if we were true to ourselves, we need not care. As to our trade, our manufactures had the command of the world, and would force their way, and our fleet could protect and continue our trade in spite of all mankind; and that the concern we had in the safety of our neighbours, was only a pretence to raise armies to enslave us at home."

You are the men that have acted, as if ye believed this preposterous doctrine, endeavouring to possess the people with fears and jealousies of slavery at home, under the protection and government of the only king in the world that ever sincerely sought, and effectually restored, our freedom.

But that we may do justice also to those gentlemen, who to their utmost opposed all your treacherous proceedings before we come more freely to tell you our minds, we must plainly mark you out, that the innocent may not suffer with the guilty.

I. Such of you (for such as these were among you) who having been purchased in former reigns by court-pensions, to assist arbitrary princes, joined with them to enslave us, selling the liberties of your country to gratify the lust of dominion, and the projects of popish counsels.

II. Such of you (who being poisoned with arbitrary principles) gave your consents to submit all our laws and charters to a dispensing authority in the crown.

III. Such of you as having forgot that the original of all right is derived from, and rested in the people, had complimented your native country out of her privileges, and elevated our kings with a divine right of government, which neither God, nature, or the people ever gave them.

IV. Such who having thus been the tools of tyranny in former reigns, and by great interests in small boroughs, have obtained again to be trusted in parliament with the people's safety.

V Such of you who having no estate, nor able to pay your own debts, should put such a banter upon the people, as to desire to be examiners of the nation's accounts without a salary; as if we did not know that if the nation did not pay them, somebody else must.

VI. Such of you who, bribed by foreign hopes and French money, expect to make your fortunes at the expence of the nation.

VII. Such as are blindly led by the party, who pursue these devilish designs, whereas they are trusted by their country, not to act by the directions of others, but ought either to be capable of judging and acting for the people that chose them, or be sent home in hanging-sleeves, and a slabbering-bib.

VIII. Such of you as should have been hanged at the Revolution, for your formerly betraying your country, and are now, like a true thief, striving to cut their throats who saved you from the gallows.

IX. Such of you who cry out of the people of 41, for raising war against, and deposing their sovereign, but are just sixty years after, going in the same steps, and had you the same prince to do with, would before now have brought it to the sword.

These are the men which make the people of England give thanks to God and the

king, that has freed them from the ruin designed for them by their own representatives.

'Tis for your sakes that is come to pass in England, which never was heard of before, that the people should have recourse to the king, to save them from being undone by the parliament.

What means all the language of the addresses which crowd from the extremest part of the nation? That whenever it shall please his majesty to call a new parliament, they will endeavour to chuse such and such.

Had you not been a parliament in being, and your unreasonable and wrong extended power formidable, it is presumed the language of those addresses would have been for God's sake, and for the nation's sake, to beseech his majesty to call a new parliament, and to promise to chuse honester men than they did before.

As for all those honest gentlemen who had the misfortune to be overpowered by your numbers, to be huffed, railed, and bear-bated by the clamours and noise of the multitude; but still to their power opposed your wicked designs, and discharged their duty to their country.

The grateful remembrance of their fidelity will remain in the hearts of every honest Englishman, and be on every occasion called to mind, and rewarded to them and their posterity.

We unanimously are of opinion, that the whole nation ought to keep a day of rejoicing, and solemn thanksgiving to God, who has put it into the heart of his majesty once more to save this nation from destruction, by divesting you of that power, which you so visibly exacted to the ruin of your country.

That his majesty has listened to the voice of things, as well as to the voice of his people, and having a discerning judgment, has timely discovered your wicked designs, and timely prevented the confusion your proceedings could have brought upon us.

That his majesty has once more put it into the power of the English freeholders to chuse again, that they may, if possible, find honest gentlemen enough in this degenerated nation, who will stand up for religion, and hold the balance of the state with that equality, between every branch of the constitution, as neither may oppress the other; that the whole may be in its full and free exercise, in order to bring more easily and effectually to pass that which is the great original of all constitutions in the world, the good of the people.

If we are still so infatuate and blind, as not to set a mark of infamy upon every man of you.

If some ensuing parliament does not by legal authority disfranchise you as Englishmen, and make you for ever incapable of being chosen, or of sitting in the house: As traitors in an army are made incapable to serve.

If every borough, city, or corporation, be not deprived of its privilege of choosing that shall ever send one of you up again.

If every county be not double taxed, that shall choose any of you to represent them again.

Then we deserve to be betrayed to the end of the chapter, and England will fall unpitied by all the nations in the world.

Legion's Address to his Majesty.

To the King's most excellent Majesty.

Among the throng of your loyal subjects, and obedient cities, towns, and corporations, who come to testify their resentment of the affront put upon your majesty by

the French king, in acknowledging the titles of your majesty's kingdoms to a contemptible impostor, and to make tender of their humble duty to your majesty, we beseech your majesty to permit the humble address of not the fewest nor the meanest of your most dutiful subjects.

We humbly approach your majesty in the names of all the freeholders of England, who love the protestant interest, and seek the prosperity of their native country; and though we have not had time to take their hands to this paper, we presume to assure your majesty that the hearts of the whole nation are here represented. Such excepted as will be hereafter expressed, because the sincerity of this address is such, and the substance of it of such moment, as no man can dissent from, and remain either a lover of his country, or a faithful subject to your majesty.

We had come to your majesty with our humble petition, but that we find no room left to complain, your majesty having been always so ready to redress the grievances of your people in a parliamentary way, that we have rather had cause to fear our representatives too much of late falling into parties, and led by furious men, or separate interests, should impose upon your goodness, and injure the people they were sent to serve, than that any real grievance of the nation should not be redressed, or any needful laws passed by your majesty, at the first request of your people.

We cannot but represent to your majesty, and humbly complain, that a late House of Commons, having with more freedom than they approved of, been told the illegality of their proceedings, and charged with the facts, wherein they acted contrary to the sense and interest of the people they represented, should, instead of rectifying or answering the same, address your majesty to take care of, and defend yourself against your people, as if it could be possible your people of England could entertain any thoughts to the prejudice of your majesty, who are so justly dear to them.

And whereas the prosperity of this nation depends upon the unanimous conjunction both of hearts and interest, between your majesty and your people, and your majesty has fully testified both your sense of, and your desire to cultivate, and, if possible, to improve such a conjunction, we cannot but express our sorrow and disappointment that it should ever come to pass that an English parliament should be less careful to preserve it than consisted with our safety, or your majesty's satisfaction.

'Tis not without a just concern we have for some time past observed, that it has been possible even for so great an assembly to err, their invading the rights of the people who they were chosen to defend, by imprisoning such gentlemen as by humble petition, according to law, put them in mind of their duty; and by addressing your majesty to put them out of your favour and commission in the countries where they were severally useful to your majesty and the nation; their evading the prosecution of persons of honour, whom they had impeached of crimes they did not think fit to prove; their untimely and inconsistent trifling with the House of Lords; their unreasonable delays in paying the just debts of the nation; their backwardness in assisting our protestant neighbours, ready to be insulted by the French; the partiality of their proceedings in several particular cases among themselves; these, and the like miscarriages, have often filled the hearts of your most dutiful subjects with trouble, to see those gentlemen we sent up as our representatives so ill pursuing the great end of assembling in parliament, viz. the service and benefit of your majesty and their country.

Your majesty in your great wisdom, we doubt not, has been fully satisfied that wherein our representatives have been wanting in their duty to your majesty in their care of the protestant religion, and your majesty's allies, so far they have acted contrary to the general sense of us, your majesty's most dutiful subjects the freeholders of England, who chose them, and have betrayed the trust reposed in them by their country.

Your majesty has sufficiently expressed in all the actions of your glorious life, your value for, and resolution to maintain, the English constitution, and we acknowledge

the freedom we now enjoy is owing to the happy conduct of your majesty, in rescuing us from those who would have betrayed us and our liberties to the power of the French and popish counsels; and 'tis to our great sorrow, that we observe some of those very instruments of tyranny have found ways to be trusted again with the liberties of their country, not doubting but it is by their restless contrivances that many of the gentlemen of that house have been deluded, and blindly led, under specious pretences of liberty, to embroil us in civil heats and disorders.

Your majesty (more than any of your late predecessors) has appeared fully satisfied with the constant affections of your subjects, and has therefore graciously granted them constant and uninterrupted assemblies of parliaments, and your people have, on all occasions, testified their zeal for your service, loyalty to your person, and their willingness to supply your majesty with all needful sums for the support of your glorious designs, firmly believing (as they have always found) that your majesty was ever entirely in the common interest, and a true defender of the liberty of your people; and though to our unspeakable grief your majesty has not been so well served, nor the ends of the nation so well answered by our representatives, yet we humbly beseech your majesty not to entertain from thence any resentments against either parliaments in general, which your majesty has so often declared to be the safety and glory of the English constitution, or against your loyal and loving subjects (the good people of England) in particular.

And we take leave to assure your majesty, that we cannot entertain any fears that your majesty should decline your affections to parliaments in general, in that your majesty has thought fit to give us an opportunity to elect again another representative, which we hope shall more fully answer the great ends for which they are chosen.

Wherefore, from our deep sense of your majesty's great care, to preserve the affections of your loyal subjects, and to prevent all interruptions it may meet with from the private designs of our enemies, we come to present your majesty with our humble and unfeigned thanks for your late proclamation for the dissolution of the parliament, and for your gracious intentions therein declared for the speedy calling another.

Nor can we forget to give your majesty our most humble thanks and grateful acknowledgments, even for the very words of your said proclamation; wherein your majesty is pleased to take notice of the true intent and meaning of the repeated addresses of your people; who, coming with hearts full of resentment at the insolence of your majesty's enemies, and the indignity offered your person, in fostering and acknowledging a scandalous and ridiculous pretender to your majesty's rightful dominions, cannot refrain expressing their just fears that the late House of Commons would fail in their duty to your majesty and the nation, by assuring your majesty what care they would take to send up such men as should fully answer the expectations of all good people, if your majesty would be graciously pleased to give them an opportunity, by calling a new parliament.

And we humbly thank your majesty for that (by your gracious proclamation) you have confirmed what the constitution of England, the reason and nature of the thing, and all impartial men have allowed, that it is most reasonable your majesty's concurring the freeholders of England, should have an opportunity of a new choice given them when they find cause, in order to chuse such men as are more likely to bring to pass the just and pious intentions of the nation.

And because it may seem a new thing in England, for the people to thank their king for dissolving the parliament, we humbly crave leave to assure your majesty, that nothing could have led us to such a proceeding, but the satisfaction of having an opportunity put into our hands, of sending up such representatives to attend your majesty in parliament, as may, with unshaken fidelity to your majesty, and unbiassed regard to the interest of their native country, proceed in the weighty matters your ma-

jesty shall lay before them, with that unanimity of council, and vigour in resolution, as is necessary, at this juncture, to encourage the protestant confederacy abroad, secure the peace and tranquillity of Europe, reduce the exorbitant power of our enemies, complete your majesty's just and glorious designs, and defend our commerce in the world.

And we further humbly assure your majesty, that if ever a parliament (which God forbid) should proceed contrary to these just and reasonable ends, they must be acted by some ill agents, contrary to the sense of their country, their duty to your majesty, and the honest intentions of us your majesty's obedient subjects who chuse them.

And if ever that unhappy time should come again, and as often as it shall so happen, your majesty will infinitely engage the hearts and affections of all your honest protestant subjects, by giving them opportunity to show their resentments, by chusing men of more honesty in their rooms.

So shall the peace and tranquillity of these nations be preserved, the glory of your majesty's reign increased, the enemies of our happiness be defeated; our protestant neighbours, your majesty's allies, be assisted and encouraged; our religion, liberty, and trade, secured; and your majesty's satisfaction compleated, to the glory of God, and the infinite comfort of all those who wish and pray for the prosperity of your majesty and old England.

Legion's humble Address to the Lords. 1703.

To the Right Honourable the Lords Spiritual and Temporal assembled in Parliament.

A proclamation was published, offering 100l. reward for discovering the author, and 50l. for apprehending the printer of this Tract; but without effect. It is of the same complexion with the other papers signed Legion, and was addressed to the House of Peers, who were at this time in the whig interest, and favourites consequently of the author of these extraordinary productions.

"The peers, in an address to the king, said 'they were satisfied that the safety of England and Holland were so inseparably connected, that what was ruin to the one was fatal to the other;' and desired him 'to enter into a strict league, offensive and defensive, with Holland for the common preservation of both countries; and that he would invite into it all princes who are concerned in the present visible danger arising from the union of France and Spain, and that he would form an alliance with the emperor pursuant to the treaty of the year 1689.' They concluded with a prayer, 'that God Almighty might protect his person in so righteous a cause, and carry him and them with honour and success through all the difficulties of a just war.' In terms more modest, but of equal consequence, the Commons resolved, without a contradictory voice, 'effectually to assist his majesty to support his allies in maintaining the liberty of Europe."—DALRYMPLE, III. 214.

May it please your Lordships,

The distressed people of England, betrayed and abused by their representatives, humbly fly to your lordships as the only refuge now left them, next under God and

her majesty, where they can apply themselves for the safety of their liberties, and redress of the grievances of the nation.

And that your lordships and all the world may know, that as it is not without great reason that we come to your lordships from that house where all our safety ought to depend, and where formerly it did depend; accordingly we crave leave humbly to represent to your lordships,

1. That there is a duty incumbent on the people's representatives, viz. the care of the liberties, properties, and peace of the persons they represent, which they have no right to part with, or to expose, and that therefore all the powers and rights of us the represented, are not committed to them our representers.
2. That whenever a House of Commons shall part with, expose, neglect, or suffer to be infringed the liberties, rights, and peace of the people they represent, they betray their trust, violate the general reason and nature of their being chosen; their representing power and being ceases of course, and they become from that time forward, a mighty conventicle, an unlawful assembly; and may and ought to be deposed and dismissed by the same laws of nature and right, that oppressed subjects may, and in all ages have, deposed bloody and tyrannic princes.
3. It is the undoubted right and privilege of the people of England, that they are not bound to submit to any power but what is legal; and the known laws of the land are the stated bounds of parliamentary as well as regal power; and the people therefore ought not to be oppressed. On the breach of these laws, and oppressing these people, your lordships noble ancestors have frequently taken arms, and pulled down bloody tyrants; deposing their power, and rescuing your country from slavery and oppression: And having conveyed to your lordships, and us the people of England, the right of being governed by known laws, we have, till now, defended that right, to the destruction of all those that ever attempted to invade it; and under your lordships protection, still resolve to do so, to the last drop of our blood.
4. As it is the undoubted right of the people of England, that they may not be oppressed, so when at any time they have suffered the invasions and depredations of tyrannic princes contrary to that right, they have always made legal claim of their proper rights and privileges: And it cannot be just, that what our kings have no right to take away, our representatives may give without law; and that the people may endure the tyranny of five hundred usurpers more than of one, since no number or quality of persons can make that lawful which in its own nature is not so.

These things being undeniably true, we cannot without great regret apply ourselves to your lordships; and humbly represent in our own names, and in the names of all the good people of England,

1. That 'tis the undoubted right of all the boroughs, cities, and towns corporate, who by prescription, charter, or other right, are to chuse representatives in parliament, always to do so, unless they are legally divested of that right; and that to deprive the town of Maidstone, for now two sessions of parliament, of their privilege of sending two members to represent them, is arbitrary and illegal, contrary to the privilege and liberties of Englishmen, who can forfeit no right, but by legal conviction, attainder, or act of parliament.
2. To throw out and put in members of parliament at committees of elections, by interest of parties, and positive vote, not prescribing that vote by the true merit of the case, and plain majority of the electors, is destroying the people's right of

elections, and divesting the towns of their privileges, which by law they ought to enjoy; and that to vote in such committees, that sixteen voices of electors entitle any person to be a member of parliament against twenty-two, is partial, unjust, and destructive of the being of parliaments, and the original rights of the people of England; and has nevertheless been notoriously practised of late in several other elections besides those of Westbury and Sudbury.

3. For the House of Commons to invade the nation's judicature, and take from any freeholder his right of action, where the law gives him the privilege to right himself in case of injury, is betraying the trust reposed in them by the people of England, and exercising the same arbitrary power they are sent thither to suppress; and no illegal proceeding of the late king James, for which the Commons of England deposed and dethroned him, were more directly against the constitution of the English government, and the rights and liberties of the subject.
4. To deprive any freeholder of his right in election of members to serve in parliament, or to encourage others to do so, as was practised in the case of the election at Aylesbury, is a manifest invasion of those very liberties, which it is the House of Commons business to protect and defend.
5. The manifest distinction of all votes in the house by interest and parties, and not by merit and real right, as it is too plain is now the practice of that house, a large number of out-lying members always being in the speaker's chambers, or in publick houses near the house, ready to be called in by their party when a question is put, who, having heard nothing of the merit of the case, enquire not after the particulars, but how Sir John or Sir Thomas, or any leading man of the party, votes. This is a manifest reproach to the justice of the nation, a scandal to the House of Commons, a slight and neglect of the trust reposed in them by the people, and betraying the interest of the nation.
6. Voting the prosecution of some persons intrusted with the management of the public revenue, but not of others equally guilty of frauds and ill practices, is a great defect of justice, a scandalous partiality, and a reproach on the integrity as well as duty of the commons.
7. Resolving to re-assume the grants of King William on whatsoever merit or valuable consideration they were made, and at the same time continue the extravagant dispositions of former reigns, in which the stated revenues of the crown are alienated to whores, bastards, and papists, and the public enemies of the nation, is a partial and malicious proceeding, contrived to reflect upon his late majesty, and lessen the value all true Englishmen have for his memory; and shews the degeneracy in the principle of the present House of Commons from those that joined with that glorious monarch in the redemption of this nation from slavery and arbitrary government.
8. Caressing the queen's majesty with the title of a queen, as sitting on the throne of her ancestors by right of succession from her father, when at the same time they know her majesty's right depends upon the validity of parliament limitation, and is built on the foot of the late revolution, and the act of settlement, is a barbarous treachery to the whole nation, an insolent affront to her majesty, an insinuation of the title of the pretended Prince of Wales, and a villainous attempt to destroy the present settlement of succession, and is consequently high treason by their own act of parliament.
9. That to address her majesty to extend her prerogative, and thereby to embroil her majesty with the privilege of the peers, is the most aggravated piece of treachery that ever Hous of Commons was, or ever can be, guilty of.

1. As it is an affront to her majesty, and reproaching her with not knowing how to manage her government.

2. As it is a malicious design on her person, by persuading her to enter on that very thing, the exorbitant practice whereof was the ruin and destruction of her father and grandfather.

3. As it is an apparent meddling with what they have no power nor right to touch; excepting only when it encroaches upon, or infringes, the people's just liberties; and then no farther than to cause it to return to its proper channel.

4. As it is a notorious discovery of a treacherous plot against the people of England, to bring the prerogative of the prince in play, and prompt it forward, which has cost the nation so much blood and treasure to restrain.

5. As it is the most unparalleled unprecedented attempt upon the liberties of the people, who sent them there to protect, settle, and defend them, whose servants they are, and whose rights and liberties they cannot expose without the most detestable perfidy, and degenerating from all the members that ever sate within those walls before them.

6. As it is a terrible precedent for future ages, when some prince of less honesty may sit on the throne, who may be with more ease persuaded by a biassed and corrupted House of Commons to become tyrants and advancers of the prerogative.

This being the distressed condition of the liberties of the free-born people, now given up, deserted, and exposed by the House of Commons, whose proper business and duty requires them more particularly to defend them.

And your lordships, like the true posterity of those noble ancestors, at the price of whose blood we received our privileges and liberties, having vigorously and gloriously withstood the treacherous and unfaithful proceedings of these our degenerated representatives,

We cannot but with a deep sense of gratitude and affection present unto your lordships, this our humble address, heartily acknowledging your lordships zeal, courage, and fidelity, both in vindicating your own undoubted rights, invaded by the same House of Commons; in your diligent care for the safety of her majesty's person, in searching after the deeply-laid contrivances of her enemies in the late plot; and in your lordships asserting the liberty and rights of the people of England, against the invasion and usurpation of the House of Commons.

And as these three heads, in which your lordships have distinguished yourselves, to the immortal glory of the English nobility, do contain all the material things which can make this nation happy; so, in your lordships vigorous defending those three, we cannot but thankfully acknowledge your lordships as the sanctuary and safety of this nation, and the glorious instruments of preserving her majesty's person and our just and undoubted liberties.

And we cannot in gratitude but assure your lordships, that in the farther pursuit of these just and glorious ends, we, the injured freeholders and commons of England, will firmly adhere to, and faithfully defend, your lordships both in your persons and authority; we will maintain your lordships in all your just and legal privileges, and in all the due measures you have already taken, or shall further take, in the defence and vindication of your just rights, her majesty's person, and our liberties. In all which we humbly assure your lordships, that we resolve as one man to live and die with you.

Our Name is MILLION, *and we are more.*

A Vindication of the Rights of the Commons of England. By Robert Harley, Esq. 1701.

Quod omnes tangit, ab omnibus tractari debet.
Amicus Plato, Amicus Socrates, sed magis Amica Veritas, et Patria.

This and the following Tracts relate to the dispute which took place between the upper and lower houses of parliament respecting the impeachment of the lords concerned in the Partition Treaty, of which Dalrymple gives the following account.

" Soon after the new parliament was assembled, the tories made preparations for impeaching the late whig ministers, the Lords Portland, Somers, Halifax, and Oxford, for negotiating the Partition Treaties, and the Marquis of Normandy began the attack in the House of Lords. But the king retired to the country, and seemed to give himself no trouble about it. In the two first weeks of April the lords were impeached, and on the 16th of that month, the commons in a very artful address, in which they endeavoured to separate the king's conduct from that of his ministers in the management of the treaties, prayed him ' to remove them from his presence and counsels for ever.' The king's answer was, that he would employ none in his service but such as should be thought likely to improve the mutual confidence between him and his people. From this answer it was inferred, that he would give up the four lords to the vengeance of their enemies. But a few days after, the House of Lords, regarding the laws of justice and the dignity of parliaments, addressed him not to prejudge the cause of persons who were under trial by the impeachments, nor to punish any person until guilt should be proved against him. And then the king ordered their names not to be erased from the council book, which must have been erased, had he intended to comply with the address of the Commons, and from that order it was inferred, that he intended not to give them up. In this uncertainty of his intentions the tories hoped, that by pleasing him on the subject of war, they should induce him to let the impeachments take their course; and the late whig ministers and their friends hoped, by the same compliance, to gain his protection against the storm. And thus both houses and both parties gave him full authority to form the alliances he wished for.

" The impeachments proceeded, but were defeated by the partiality of those who conducted them; for they did not include the impeachment of Lord Jersey, because he was of their own party, although he had been secretary of state and ambassador in France in conducting the last of the treaties. But, above all, the attempt which had been made to prevail upon the king to punish men who were entitled to be presumed innocent till they were found guilty, and who were actually under trial for fortune, life, and fame, shocked their generous judges. The commons, therefore, under pretence that the peers had done injusttce to them in refusing to comply with some trifling forms of procedure, on which they insisted, did not appear at the bar of the House of Lords when called upon to support the impeachments, and the lords were acquitted. Each house then made grievous complaints of the other; and the people, according to their different humours, complained sometimes of the one, and sometimes of the other, displeased in public, as they always are, that the great had not fallen, and yet pleased inwardly that no injustice had been committed."—DALRYMPLE. III. 215.

To the King, Lords, and Commons, in this present Parliament.

To the King.

Great Sir,

Your majesty's loyal subjects have reason to be highly sensible of the glory and happiness this nation enjoys in two very extraordinary particulars, that is, the excellency of their king, and the excellency of their government.

The first hath been fully demonstrated, by your majesty's great and glorious actions, to all the world; the latter seems rather to be understood by its happy effects than its happy institution; and therefore a plain and brief explanation thereof is humbly set forth under your majesty's gracious patronage, in hopes that the universal love, which the people of England have gratefully entertained for your majesty's royal person, may also be extended to the established government.

It may be observed, that in most former reigns there have been two sorts of men within the kingdom, who have been commonly known and distinguished by the name of the court and the country party; but when their professions have been compared with their actions, the real difference betwixt them hath ever appeared to be no more than this, that one party were very zealous for the king and themselves, and the other for their king and their country.

But since, by the experience of all ages, it is apparent, the first proposition in this little treatise is certainly true, that in all monarchical governments, it is absolutely necessary, for the common good, to preserve a right understanding between the king and the people, and that no king was ever great and glorious in England, but he that, like your majesty, became the prince of his people: nor no people ever happy but they, who, like your majesty's subjects, performed a chearful obedience to their prince, I humbly conceive, that I cannot attempt to do a better thing for England, than to endeavour to continue and establish to all posterity the like happy union in this kingdom; and I do not know any better way to accomplish that great end, than by demonstrating to all sorts of capacities, that the happiness and prosperity of both prince and people doth entirely depend upon preserving the happy constitution of the established government.

Most gracious Sovereign,

As the subject of this treatise, so the author also doth, with all humility, depend upon your majesty's royal protection, that his sincere endeavours, for the public good, may not suffer for any involuntary mistake on one side, or for want of charity, or love of kingly government, on the other; and that he may have the honour to profess himself amongst the number of those who are entirely devoted to the true interest of their king and their country, is the highest ambition of,

May it please your majesty,
Your majesty's most obedient,
Most humble,
And most dutiful
Subject and servant,
HUMPHREY MACKWORTH.

To the Right Honourable the Lords Spiritual and Temporal, in this present Parliament.

My Lords,

The excellency of the government of England, by king, lords, and commons, is a subject worthy of the greatest consideration; and though, as a member of the House of Commons, I have entitled this little treatise, A Vindication of the Rights of the Commons of England, yet I humbly hope I have not been wanting, upon all occasions, to assert and maintain the just rights and judicature of your lordships, or else I must confess I have ignorantly varied from my intentions, and failed in that great rule that I have laid down as necessary for the common safety; which is, to preserve the just balance of the constitution.

My good intentions therefore, for the general good, will, I hope, plead my pardon

with your lordships, for any error or mistake in judgment, since I have not wilfully transgressed the bounds of law or reason, nor asserted any proposition but what I sincerely apprehend to be as necessary for the support of the rights of your lordships, as of that honourable house where I am entrusted to sit as a member, and where I hope I shall always discharge my duty with great respect to your lordships, as well as with loyalty to my king, and fidelity to my country.

And under this character, together with an humble assurance of my readiness to change my opinion, and acknowledge any error, whenever I shall hear good reasons for it, as aiming at nothing but the public good, and a happy union in this kingdom, I humbly crave leave (with all due regard and deference to your lordships) to subscribe,

My lords,

Your lordships most obedient,

And most humble servant,

HUMPHREY MACKWORTH.

To the Honourable Robert Harley, Esq. Speaker, and all the Honourable the Knights, Citizens, and Burgesses, in this present Parliament.

Honoured Sirs,

This little treatise, in vindication of the rights of the commons of England, comes naturally to crave your favour and protection, as the constant and generous patriots of your country, and the representatives of those very people, whose rights are here (in all humble manner) asserted and maintained.

And the writer thereof doth entirely depend on your usual candour, and favourable construction of his proceedings, not doubting but his good intentions, to serve the public, will make an apology for his want of performance.

And yet there is nothing affects him more, upon this occasion, than a just apprehension and concern for his country, lest this noble subject should any ways suffer under his management; especially since he labours (at present) under want of time, as well as capacity, to treat of it in such a manner as becomes the weight and dignity thereof.

But since something of this nature seems necessary to be done at present, in order to create a right understanding of these weighty matters, and to preserve that happy union in England that is absolutely necessary for the common good of the king and kingdom, he humbly hopes that this poor acknowledgement of his duty may be favourably accepted, till a better be performed.

And in the mean time, as he must confess that he hath a great veneration for every part of the constitution of the government of England, so (amongst the rest) for that honourable assembly the House of Commons, which has been established by the wisdom of our ancestors, as the great bulwark of the rights and liberties of the people of England; to the preservation of whose rights, he can never doubt but every true Englishman will give his helping hand, and endeavour to promote a right understanding thereof, with the like disinterested zeal as is here attempted by,

Gentlemen,

Your most obedient

Humble servant,

HUMPHREY MACKWORTH.

PREFACE.

When a misunderstanding unfortunately happens between any two persons or bodies of men, who aim at the same common end, the public good; and whose interest it is

to be united, and agree together, as the only means to attain that end, or even to preserve themselves; it is plain, that it can be only a mistake, or misapprehension, on one side or other, and that he that by any means can convince either, will certainly oblige and please both.

My hopes therefore are, that what is here humbly offered to consideration, may, in some measure, contribute to such a mutual satisfaction.

For as there is nothing can ruin England but unhappy divisions, so there is nothing in the present circumstances can save it but a happy union.

Divide et impera, to govern by parties and factions, may be a maxim for arbitrary governments, but not in a regulated monarchy; in England the direct contrary hath ever been observed, that when all parties, especially all the branches of the legislative authority, have been united and inseparable, the nation hath ever been found insuperable, and not to be subdued.

It is certain, that no person can act more for the interest of the French king, in this conjuncture of affairs, than by creating animosities and differences in England: And no person can act more against the French interest, than by creating a happy agreement.

Since, then, we all seem to contend, who shall appear to be most loyal to the king, and most zealous against France, I hope we shall all demonstrate our sincerity by our actions, by doing those things that are most likely to please his majesty, and to humble France; and that is, in his majesty's gracious expressions, by being firmly united amongst ourselves, since nothing can contribute more to our safety at home, or to our being considerable abroad.

Let us therefore lay aside all private interests, where the public is concerned: Let us not so much consider who are the chief ministers of state, whether new or old, as whether they do faithfully discharge their trusts, and execute the duty of their respective places, for the general good of the king and people.

A counsellor of state, or officer of justice, is not to be reverenced and esteemed, because he is true to the interest of this or that party, but because he is just and honest to all parties, and true to the interest of the king and kingdom.

But this I may be bold to say, and it appears, by the constant experience of all ages, that he who is false and ungrateful to his Creator, can never be sincere, either to his king or to his country.

He that hath not understanding to discern an Almighty Power, by all the wonderful works of the creation; or he that hath, and yet lives in open defiance to the same, and in a wilful habit of sin and debauchery; he that denies dependence on a divine providence, and he that owns it with infinite obligations, and yet discovers by his actions, that he forgets them all, are equally unworthy to be trusted with the honour of the king, or the safety of the people.

Many men (says a famous author) have good sentiments in the moment you oblige them, but the constitution of their nature sways them soon after, and they easily forget what they owe others, because they only love themselves: And as fire converts all things into its own substance, they only consider public interests to convert them to their own advantage, and equally despise those who do them good, and the state in which they receive it.

This is most certain, that the same qualifications which render men worthy of favours, are the same which make them capable and desirous to acknowledge them: And, on the contrary, the same ill qualities which make men unworthy of favours, are the same which make them ungrateful both to their king and their country.

And the qualifications of any minister will always be suspected, who shall at any

time endeavour to lay his own faults on the sacred person of his prince, and to shelter himself from justice by a fatal division in his country.

But let the faults of ministers be what they will, they cannot be greater to an earthly power, than the crimes of all other men are in the sight of Heaven; and therefore it must be the duty of every man to forgive others, as he would be forgiven himself: That is, upon the same condition of repentance and amendment.

But if a great minister shall at any time offend, and persist in his error; if he shall break in upon the constitution of the government, and at the same time justify it to be lawful, and so endeavour to establish a precedent which tends to the ruin and destruction of his native country to all posterity, how can any man pretend to say, that during such impenitency, he is entitled to forgiveness either from God or man?

The end then of publishing these occasional thoughts on the rights of the commons, is, First, to demonstrate the nature of the constitution of the government of England, by king, lords and commons, and thereby to encourage all true Englishmen, of what degrees and capacities soever, to put a just value upon it, and to be as tender of its preservation as of the apple of their eyes, as the nature and excellency thereof doth require, and as that upon which depends the honour and safety of the king, and the preservation of the rights and liberties of all the people of England.

In the next place, it is designed (with due respect and deference to the great officers and ministers of state, who shall at any time be concerned in the administration of public affairs) as an humble and kind admonition to them, not to offend against this happy constitution; or if they do (as the best of men may err) that they study rather to excuse, than justify their mistakes, and find out any other way to save themselves, and palliate their errors (which may happen from the surprise of extraordinary honours and preferments) than by procuring an impunity at the price, and with the ruin, of their native country.

And in the third place, it is proposed, with all humility and deference to better judgments, to demonstrate the nature of the powers and proceedings of lords and commons upon impeachments, and how they do mutually support and depend upon each other for their common safety, and thereby to promote a right understanding thereof, and continue a happy union between both houses.

And in order to this, it has been considered, that the great end of speaking and writing, is to make other men understand what is spoke or writ, and thereby to convince them of that truth which is to be demonstrated.

Many things are plain when they are plainly expressed, which till then do often remain as mysteries.

When, therefore, the intent of a writer is to do good to others, and not to gain preferment or applause to himself, he will rather study how to convince than please; and how to make that truth, which seems evident to himself, appear so to others, than to entertain his reader with useless and amusing oratory.

But he must, at the same time, confess, that he thinks himself very fortunate in this particular, that he is at present to treat of such a constitution of government, which needs no other advantage to set it off, than a bare relation of its own worth and excellency; and consequently is more agreeable to the mean capacity of the writer.

If any thing therefore, in these papers, shall in the least contribute to a right understanding of the subject matter, and consequently to a good agreement between all parties, the intent thereof is fully answered.

And if the writer is unfortunately mistaken in any particular (as a person of his weak understanding very well may) he shall be obliged, for the discovery of his error, to any person that shall treat him as a gentleman, and as soon as he has an opportunity to consider thereof, he will as fairly acknowledge the same, or give his reasons to the contrary.

But since his end is serious and sincere for the public good, he cannot shew a respect to any other answer, than that which aims at the same advantage to the public as is hereby intended, which is, to convince all parties of the real truth, and thereby to promote a happy union in this nation.

The writer, indeed, cannot but be sensible, that if there shall happen at any time hereafter to be a set of evil ministers in this kingdom, they will be apt to be very much offended at this well-intended treatise; and for that reason it might have been esteemed a politic part to have concealed his name; but this he did not think for the honour of the house of which he is a member, lest their enemies should asperse it as a spurious pamphlet, and as if the writer had not a good cause to defend, or wanted courage to own it; and therefore this is his true and real satisfaction, that he shall either in some measure contribute to the preservation of the happy constitution of the government, and thereby promote his own and his country's welfare together, and prevent the unhappiness of an evil ministry to his nation, or else have the honour to suffer in such a glorious cause, in defence of the rights of the Commons of England.

But if this treatise fall into the hands of persons zealous and affectionate for the true interest of their native country, it may perhaps be of some use to promote a right understanding between all parties, and to continue a happy union between the king, lords, and commons, which is absolutely necessary for the happiness and safety of England, and for the attaining those great ends which all good men do heartily wish and desire: And that is to secure our trade, and promote our manufactures, to pay our debts, and assist our allies, to employ our poor, and preserve our religion; and, in short, to put a timely stop to the exorbitant power of France, and to advance the general good of the king and kingdom.

A Vindication of the Rights of the Commons of England.

CHAP. I.

Of the Nature and Excellency of the Government of England, by King, Lords, and Commons.

The happy constitution of this government (which is the glory and happiness of England, and the wonder or envy of all the world) is founded on these following maxims and prudent considerations:

That in all monarchical governments it is absolutely necessary, for the common good, to preserve a right understanding between the king and the people.

That therefore it is necessary, in all such governments, that whatever mismanagements happen, no blame or wrong be imputed to the king.

That as it is necessary to take care that no blame be imputed to the king, so it is necessary to take as much care as possible that no wrong be done to the people.

That, therefore, when any wrong is done, the people may have a legal remedy for redress thereof.

That the king and the people are like the head and the body, and do mutually depend on each other.

That as the people depend on the protection, justice, and conduct of the prince, so the prince depends on the subjection, strength, and treasure of the people.

That therefore it is the interest of all kings and princes, to govern in such a manner as is consistent with reason, and with the rights and liberties of the people.

That in order thereunto, and to prevent mistakes, it is very requisite and convenient,

that (as far as may be) the prerogatives of the king, and the rights of the people, be declared and ascertained.

That therefore a regulated or limited monarchy, according to such declarations or laws, founded upon reason and justice, is the most happy, secure, and best sort of government both for the king and the people.

That in all such monarchies it is absolutely necessary for the common safety, that the prerogatives of the king, and the rights of the people, be secured to each other by a prudent distribution of power, in the original frame and constitution of the government.

That therefore the absolute, supreme, and legislative authority (which is necessary to support all governments against contingencies) be lodged, not in one, but in three distinct persons or bodies, united by interest in the same common end, the public good.

That these three branches of the supreme authority have also several particular powers lodged in them, as mutual securities, for the common safety, to assist each against the encroachments of the other, which may not be legally defeated or made impracticable.

That the said absolute, supreme, and legislative authority in England, be lodged in the king, the lords, and the commons; with the king as supreme, and common father of his country; with the lords, as persons of great honour, quality, and estates, and consequently highly concerned for the public safety; with the commons, as they are the representatives of the people; and with all three together, as united by interest in the same common end, the public good.

That the king, lords, and commons, have also several particular powers and authorities lodged in them, as mutual securities for the common safety; that is to say, that the king have the power of making war and peace, of commanding the militia and forces of the kingdom, of calling and dissolving parliaments, of appointing all officers ecclesiastical, civil, and military; and, in short, all other powers and prerogatives that a wise and good prince can desire, to make him happy and beloved at home, as well as potent and respected abroad.

That the commons, as representatives of the people have (amongst other things) the power of levying money, and of impeaching and prosecuting evil ministers, as a necessary security to preserve the rights and liberties of the people.

And that the lords be entrusted with a right of judicature; and, as another branch of the legislative authority, to preserve a balance of power between the king and the people.

That as the king, lords, and commons, united together, have an absolute supreme power to do whatever they shall think necessary or convenient for the public good, of which they are the only judges, there being no legal power on earth to controul them, so the several and particular powers lodged in them as branches of the supreme authority, as mutual securities for the common safety, and as checks one upon another, must in their nature be supreme and absolute against all but one another.

That the lords and commons therefore have power over the courts of Westminster-Hall, but the courts of Westminster-Hall have no power over the House of Lords or Commons.

The lords have a power, upon a writ of error, to reverse the judgments of the courts of Westminster-Hall; and the commons have a standing committee for courts of justice, to inspect into the abuses in those courts, either by corruption in the judges, or extortion in the officers; but the judges of those inferior courts have no power to judge of the legality of the proceedings in the high court of parliament; for that would be to invert the order of justice, and subvert the constitution established for the common safety.

The king, lords, and commons, therefore, as supreme, have superior powers, and the

liberty of exercising them (according to the nature and constitution thereof) as they in their respective wisdoms and discretions shall think most conducing to the public good, without rendering any account for the same; that is, the king, by advice of his council (viz. the privy council in matters of state, and the judges in matters of law) and according to the noble constitution of the monarchy hereafter set forth, may exercise the high and great prerogatives of making war and peace, calling and dissolving parliaments, &c. and no mismanagement is to be imputed to the king, but to his ministers.

The House of Lords being a great council within themselves, are entrusted with the exercise of the power of judicature on impeachments, upon honour; they are not bound up by an oath, nor restrained by a jury; but they supply the place of judge and jury, and determine according to right and justice, and according to their lordships great judgments and discretions, from which there lies no appeal.

And the House of Commons, being a numerous body, the representatives of the people, and another great council within themselves, have the power of impeaching and prosecuting evil ministers, and other great offenders, as they in their discretions shall judge requisite for the public safety; and are not accountable for the same to any superior power.

And it is absolutely necessary for the safety of England, that such large powers should be lodged somewhere, to preserve the king and people from the secret designs of contriving and ambitious men, who will be endeavouring in every age to overturn the happy constitution of the government, and to accomplish their wicked ends by such dark and hidden measures, which though manifest and apparent by their evil consequences and effects, yet may not immediately admit of a plain and positive evidence.

Since, therefore, these supreme powers are necessary for the common safety, and no person can assign any other bodies of men in England, that are more fit to be entrusted with these powers than the king, lords, and commons, every rational man ought to submit to the established government, and not presume to argue against it, upon any supposition of mismanagement in the king, partiality in the lords, or delay in the commons; since it is the highest and best security for the rights and liberties of the people of England, that the nature of the government will admit.

And when there is occasion to debate concerning these supreme powers of king, lords, or commons, we must not argue like lawyers in Westminster-Hall, from the narrow foundation of private causes of *meum* and *tuum*, but like statesmen and senators, from the large and noble foundation of government, and of the general good of the king and people.

But although these supreme powers are above the jurisdiction of all inferior courts, and may be exercised according to the discretion of the respective parties, yet they must of necessity be limited and bounded by one another in such a manner, that one may not be allowed to encroach on the other; and that it may not be in the power of any one to defeat the right or power that is lodged in any other, or render the same impracticable; but that all three may subsist together for the common good, and each of them be able to attain the end for which they were established: For if otherwise, the whole design of the constitution will be disappointed, and these three powers will not be checks one upon another, nor be mutual securities to preserve the common safety, as was intended.

This is the plain rule, by which we are upon all occasions to measure and set out the bounds and limits of the legal authority of the king, lords, and commons. This is the infallible touchstone, by which we are to try the legality of all claims and demands of power by every branch of the legislative authority: This is the *ne plus ultra*, the utmost boundary to their respective authorities.

Hence it is that the commons have always insisted, that the king's great and high prerogative of pardoning offenders is yet so limited and restrained, that it cannot extend to pardon impeachments; because the king cannot defeat that power in the commons, which is appointed as a check upon the prerogative itself, and is the great bulwark of the rights and liberties of the people, against an evil ministry and arbitrary power. For if the king can command an unlawful thing, to the prejudice of the people, and afterwards pardon the evil minister that puts that command in execution, there can be no manner of security for the rights of the people.

Hence it came to be determined in the case of the five popish lords, 'that the office of high steward, upon trials of peers, is not necessary to the House of Peers, but that the lords may proceed in such trials, if a high steward be not appointed according to their humble desire:' Because, if such an office were necessary, then the king (by not appointing a high steward) might defeat the judicature of the lords, and render the exercise of that power impracticable, which is appointed as another check upon the prerogative, and to prevent any encroachment on the rights of the people.

And hence it is, that neither the lords nor commons can have such a legal power, which is able to defeat the power of each other; and which would only be a power to destroy the balance of the constitution, and ruin themselves.

And thus it appears, that the several and respective powers vested in the king, lords, and commons, are mutual checks and mutual boundaries to one another, but are not to be limited by any authority besides their own.

These supreme powers therefore are as great as the nature of such powers will admit, and as the king, lords, or commons can reasonably desire; and the greater they are, the greater are the people of England, for whose security they were established: But then they must agree together in the exercise of their powers, and not interfere or clash with one another, for thereby they will both destroy themselves, and the end for which they were established.

Every body natural (that has a rational soul) hath an understanding, a will, and a memory, for the safe and prudent government of that body; and the greater and more extensive those faculties are, the greater is the happiness and safety of that body natural: So, in the great body politic of the kingdom, the king, lords, and commons, do compose the soul of that body politic, and are entrusted with the safe and prudent government thereof; and the greater those powers are, the greater is the happiness and safety of that kingdom.

But as in the body natural, if the understanding pretends to judge before the memory has truly stated the case, or the will to make a choice, before the understanding is consulted, the end for which these faculties were appointed will be defeated; so the king, lords, and commons, must agree together, and assist each other in the exercise of their several and respective powers, without the least encroachment upon one another, or else they will not answer the end for which they were established.

The king therefore may exercise his prerogative to the highest extent of power that the nature thereof will admit, and that does not invade or defeat the just rights of the lords or commons.

And the lords may exercise their right of judicature to the highest extent of power that the nature thereof will admit, and which does not invade or defeat the prerogative of the king, or the rights of the commons; and the commons may exercise the power of impeaching, and prosecuting evil ministers, vested in them, for the security of the people, to the highest extent of power that the nature of the thing will admit, and that does not invade or defeat the king's prerogative, or the just right of judicature in the lords: But none of them can extend their power to defeat, or make impracticable, the power of any of the other, without destroying the balance of the constitution; and, in the consequence thereof, destroying themselves.

The three several powers vested in the king, lords, and commons, are like the three perfect concords in music, which being exactly tuned to one another, upon proper instruments, make admirable harmony; but if you stretch any one string, beyond its proper pitch, you put all out of tune, and destroy the whole concert.

But as a discrd in music may sometimes be brought in, to make the ear more sensible of the sweetness of the following concord, so a discord in politics may possibly give occasion to many persons to take more notice of, and be better pleased with the harmony and excellency of the established government.

And herein consists the excellency of the government of England, that it is not only the best sort of government in the world, both for the king and the people, when the happy constitution thereof is preserved, but it is admirably well contrived, and every thing provided that was possible for its preservation: For,

Our wise ancestors have so prudently disposed and distributed the supreme powers in the original frame and constitution of the government, that it is manifestly the interest of the king, lords, and commons, inviolably to preserve to each other the several and respective rights and powers belonging to them, and not to encroach upon one another. For,

In case any encroachment be made on the prerogative of the crown, it will only lessen that power that is to protect the people, and consequently lessen the safety and security of the people, that are to be protected by that power.

And in case any encroachment be made on the rights and liberties of the people, or of their representatives, it will only lessen that strength that is to support the king, and consequently lessen the power and interest of the king, that is to be supported by the strength and treasure of the people.

And so in case any encroachment be made on the legal jurisdiction of the House of Lords, it will only lessen that power, that is the very band of union between the king and the people; and consequently lessen the security of both king and people, that is to be preserved by that mediation.

And there has not only been care taken to make it the interest of all parties concerned to preserve the established government, but the nature of the establishment is such, that it does in a manner preserve itself: For the supreme power is not lodged in one, lest he should be arbitrary; nor in two, lest they should fall out, and there be none to interpose betwixt them; but,

Such is the happy constitution of this government, that it consisting of three distinct branches of the supreme authority, who are mutual securities, and checks upon one another, for the common safety, if a misunderstanding happen between any two, there is still one left, whose interest it is to reconcile the difference: And if any one endeavour to advance their power beyond its just bounds and limits, there are always two against that one to preserve the balance of the constitution.

But the excellency of the government of England, is not only proved by reason, but by long experience; this nation having, for many ages, flourished under the same constitution of government, by king, lords, and commons, and from generation to generation preserved their liberties, whilst many of our neighbours have lost their ancient form of government, and their liberties together.

CHAP. II.

Of the Establishment of public Officers and Ministers of State, and how the Rights of the King and the People are thereby secured.

In order to preserve a right understanding between the king and the people, and that no mismanagement in the government be imputed to the king, nor yet any wrong

done to the people, without a remedy, it is necessary that all public acts of government be performed by public officers; for if done by the king, and any mismanagement happens, either the people must lose their rights, or the blame be imputed to the king: neither of which ought to be admitted.

That therefore these public officers be answerable for all public acts done by them, both to the king and to the people; and in order thereto,

That all grants, patents, and public acts of government be enrolled, and made matter of record.

That these public officers, or the chief of them, as the lord chancellor, and the lord treasurer of England, the judges, &c. do take an oath of office, and therein (amongst other things) do swear, well and truly to serve the king and his people in the office of chancellor or treasurer, &c. respectively.

That such a prudent establishment be made of all these public officers, that one may be a check upon another, for the common safety: and that no person presume to undertake any two offices that are checks one upon another, whereby the king and people lose one of the great securities for the safety of the nation, and the officer is left at liberty, without controul, to act contrary to his duty, and the interest of the public.

That the king have the power of appointing public officers at his will and pleasure for the security of his prerogative. The representatives of the people have a power of impeaching them for any mismanagement and breach of trust, for the security of the rights and liberties of the commons of England: And the lords have the power of judging whether their actions are justifiable or not, for the common security of all parties.

The exercising all public acts of government, by public officers, is no restraint upon the just prerogative of the king: First, because the king has the choice of them, from time to time, at his will and pleasure. Secondly, because those ministers are bound to obey the king in all lawful things. And the law presumes, that no king (who is the father of his country) will command that which is unlawful; or if he do, that when he is made sensible of it, he will recal his order.

The law therefore wisely provides for the safety of the people, without invading the prerogative of the crown, and has made it not only the duty, but the interest of every minister (for his own safety) to inform his majesty of the legality of all proceedings: 1. By words, by an humble declaration of the sense of the law; and if that will not prevail, then to convince his majesty of his sincerity, by his actions; and that is by a resignation of his office.

All good princes will be convinced by this rational, honourable, and self-denying argument, and will rather commend the fidelity of his minister, than be offended with him. But if it should happen hereafter, in a future reign, that the prince will not be advised, but shall accept the resignation of his officer, that minister will have the satisfaction of suffering in a good cause, for the safety of his country, and gain very great honour to himself and family: And the people of England will still have the same security for their rights and liberties as they had before.

For if the succeeding minister betrays his trust, he must expect to answer for it in the House of Peers, on the impeachment of the commons: And if he also, in humble manner, desires to be excused from executing the same unlawful command, to the ruin or prejudice of the people, the king (who cannot exercise any public act of government but by his ministers) will at last observe the necessity of yielding to the law of the land.

These are the wise and prudent methods our forefathers have devised and established, to preserve the rights and liberties of the people, without any force or violence on the royal person of the king.

These are the dutiful ways of keeping princes within the bounds of law; not by

rebellion and resistance against the person of the king, but by faithful council and self-denial in the subject. And it is the miserable neglect of ministers, in the faithful discharge of this part of their duty, that frequently leads princes into those errors which sometimes prove fatal to them.

Could we but persuade the ministers in all reigns, thus to discharge their oaths of office and duty both to their king and their country, this nation would not so often fall into convulsions of government, that frequently endanger the whole constitution.

The exercising therefore all acts of government by public ministers, is so far from being a prejudice, that it is a great advantage and security both to the king and to the people: To the king, because no mismanagement can be imputed to him, but to his ministers; to the people, because they may have redress for their grievances, without any misunderstanding with their prince.

By this means the king may always reign in the hearts of his subjects, and the subjects always preserve their rights without offence to the king.

The king has the power of preferring honest men, which is all a good king desires in the nomination of public officers. And the lords and commons have the power of punishing dishonest men; which is both for the honour and safety of the king and the people.

King Charles the First, in his answer to the nineteen propositions, doth set forth, that the king, the House of Lords, and the House of Commons, have each particular privileges: And (after enumerating the several prerogatives of the crown) his majesty declares, that the prince may not make use of that high and perpetual power, to the hurt of those for whose good he hath it; and make use of the name of the public necessity, for the gain of his private favourites and followers, to the detriment of his people. And then adds, that the House of Commons (an excellent conserver of liberty, &c.) is solely entrusted with the power of levying money, and of impeaching those ministers, who, for their own end, (though countenanced by any surreptitiously-gotten command of the king) have violated the law, which he is bound, when he knows it, to protect; and to the protection of which, the ministers were bound to advise him, or, at least, not to serve him in the contrary. And the lords being entrusted with a judicatory power, are an excellent skreen and back between the prince and the people; to assist each against encroachments of the other, and by such judgments, to perform that law which ought to be the rule of every one of the three.

Whoever therefore affirms, that the king's command doth justify the minister in doing an unlawful act, maintains a proposition that destroys the original frame and constitution of the government; and consequently the happiness and safety both of the king and of the people.

He destroys the happiness and safety of the king, by imputing the blame of doing an unlawful act to the prince, and excusing the minister. He destroys the happiness and safety of the people, by depriving them of the only proper means for redress of grievances:—For the people of England have no relief, in case of mismanagement, but either against the king or his ministers. But to seek relief against the king, is a remedy worse than the disease:—Is against the nature and constitution of our government, and would be an occasion of creating a misunderstanding between the king and his people, which is a principal thing to be avoided: And therefore the people must either have their remedy against the ministers, or none at all: And to be without any relief or redress of grievances, would quickly end in the ruin of the people, and destruction of their rights and liberties.

If the people of England have no relief, in case their rights are invaded, then they have no security for those rights: And if they have no security, if they are precarious on the will and pleasure of others, it is the same thing in effect, as if they had no

rights and liberties at all; for a right, without a remedy, is not properly a right, but a favour or courtesy, to be enjoyed during pleasure.

In all regulated monarchies, the king is to act according to the laws of the land; but the laws of the land being numerous and difficult to be understood, it cannot be presumed that a king can spare time to study the laws, and attain to the perfect knowledge of them: Therefore our wise and prudent ancestors have provided, that the king shall be guarded by his counsellors and great officers, who are to understand the laws at their peril, and to be answerable both to the king and to the people for all public acts that pass through their hands.

These great officers of state are placed, like centinels at several distances, to be mutual checks one upon another, and to keep constant watch, for the common safety of the king and people. Observe, therefore, the progress which the law has directed in passing of ordinary grants and patents: 1. A petition is made to the king; then this petition is referred to the lords of the treasury, by an order of reference, signed by a secretary of state; and if the lords of the treasury make a report in favour of the said grant, then the king signs a warrant to the attorney or solicitor-general, impowering one of them to prepare a bill containing such a grant. After Mr Attorney or Solicitor has passed the same, then it goes to the privy signet, the custody whereof is in the secretary of state, who being a minister in high office, is presumed by the laws to be watchful for the king's good and the welfare of the public.

The warrant being thus signed by the secretary, is carried to the lord privy-seal, who is another great officer, well versed in matters of state, and in the knowledge of all the king's affairs, and this great officer, by the oath of his office, is obliged to take care that his majesty is not deceived in his grant: And in case a private subject is concerned in the consequence thereof, he may enter a caveat at the office, and be heard before the lord privy-seal, before the grant passes that seal: But in case the same doth pass there,

Then the grant is carried to the lord chancellor, or lord keeper of the great seal of England, who is always a person of great ability and knowledge of the law; and who, by his oath, is bound to the observance thereof, and to advise the king to the best of his skill and knowledge, for the universal good of the king and his people, and is not to suffer any grant or patent, prejudicial to the king or people, to pass the great seal of England: And any subject concerned, hath also a right to enter a caveat at the great seal, and to be solemnly heard before the lord keeper.

And as soon as any patent is passed the great seal, before it goes out of the care of the lord keeper, it ought to be enrolled in chancery, and made a matter of record, in justification of the said lord keeper; to defend the patents from any alteration or forgery, and for the common security of the king and all his subjects.

Thus you see the great care that is taken for the common safety; if an enemy surprize the first centinel, or public officer, and is able to obtain his pass there, yet, when he comes to the second, there he is bid to stand again: And if by any art or corruption he passes through that, and all the rest of the offices, yet when he comes to the lord-chancellor, or lord keeper, there he meets with another full stop, and the strictest examination; and as soon as a grant is passed the great seal, it is enrolled, and made a matter of record.

So that if any of these great officers are honest men, all is safe, the design is discovered, and the enemy defeated. And when the law requires so much care in every the least grant, how can it be imagined that the law requires less care in grants or patents relating to the whole kingdom?

But to what end is all this formality, and great number of officers appointed, if the king's warrant must positively be obeyed, whether the matter therein contained be lawful or not? Any one officer can execute a command of this kind as well as twenty; what can then be the reason of it, but that in the multitude of counsellors there is

safety? For a number of officers are less liable than one, either to corruption, or to a mistake in judgment; but if all these officers are to take the warrants or orders, one from another, as a sufficient authority, if that were all that was expected from them, there had been no need of such a constitution, or such an unnecessary charge to the government: Our ancestors, therefore, have not only obliged all these officers to fidelity, by oaths of office, but wisely considering, that it was not possible to know what advice a minister of state might give in private to his prince, have prudently provided, that they shall prove their integrity by their actions; that is, by doing nothing but what is lawful, or else by a resignation of their office.

They were sure every officer would give good advice, when he was to do it at his peril; he would argue, and plead hard to convince his prince of the unlawfulness of an action, and use all his interest to dissuade him from it, when his majesty's persisting did present such officer with no other prospect than an impeachment of the commons, or a necessity of resigning his office.

'Tis well known, that princes are frequently surprised in these cases; and by misrepresentations in the great hurry of public affairs, many warrants have surreptitiously been obtained, and others have been granted merely to satisfy the importunity of courtiers, when the prince himself did not expect that any of those warrants should pass through the hands of the great officers: But if kings grant warrants depending on the fidelity of their ministers, and the ministers execute warrants depending on the authority of the prince, it's plain that neither the king, nor the people, will have security by this constitution.

A warrant from the king is indeed a command to his officers, but it is upon an implied condition in law (well known,) in case the matter commanded be lawful, and noways prejudicial to the king or the people. And such a warrant is necessary in all cases, as the first step, the *primum mobile*, or the spring that sets all the wheels of government a-going. But then the legal artist must at his peril take care, that the spring of power be neither too strong to break the wheels of government, nor too weak to support itself: But that it be so regulated, according to the known laws of the land, as to answer the ends of government for which it was established, and preserve the common safety of the king and the people.

This is a doctrine which perhaps will not be very agreeable to such ministers of state, who shall at any time hereafter think themselves safe, if they can by any means whatsoever obtain the king's warrant, (which a set of corrupt ministers may always be able to do for one another;) but it is the only doctrine that hath, or can make the king and people happy, and save England from ruin and destruction.

'Tis true, that of later times, several errors have crept into the happy constitution of this government, and the king's warrants have, in some cases, been carried immediately from the privy signet to the great seal, without ever passing the scrutiny of the lord privy seal; but this is an error that manifestly lessens the security of the king and people, and is to be rectified.

However, this does not excuse the lord chancellor, or lord keeper, for the time being, from doing their duty; but, on the contrary, the less care was taken of a warrant before, the more ought to be taken when it comes to the great seal.

And thus the difference may appear between the king's letter and the king's warrant. The king's warrant, in some cases, passes through the hands of the lords of the treasury, the attorney-general, and one of the principal secretaries of state; and, in all cases, through the hands of one or more of them, who are public officers and centinels, appointed to watch for the public safety; and on whose judgment and advice both the king and people do very much depend. But the king's letter is a private transaction, and is not attended with these advantages to the public: Therefore, when any patent is passed upon the king's letter, without a warrant, that patent is passed contrary to

law, and the king and people are thereby deprived of those securities that the law has appointed for the common safety.

And hereby it plainly appears, that the setting the great seal of England to any patent with a blank, cannot be justified; for every patent ought to be complete and perfect, and enrolled in chancery, both for the security of the king and the people, before it goes out of the care of the lord keeper. And when the prince is acquainted with the law, in this case, he will always come to a resolution in every particular, before his orders are carried to the keeper of the great seal.

How can it be consistent with the oath of a lord chancellor, that he will well and truly serve the king, and his people, in the office of chancellor, when he does a thing that he cannot know himself what may be the issue of it? Whether the words that shall be inserted in that blank, may be for the good of the king and kingdom, or for their destruction?

How can it be consistent with the great and high trust reposed in a lord chancellor, who has the custody of the great seal of England, to leave an affair of the greatest consequence to the nation, to accidents and uncertainties? When a patent is out of his sight and reach, he can neither know what will be inserted in any blank, nor by whom; nor into whose hands the patent may fall, nor what other alterations may be made therein, especially if it should so happen that the patent is to go into a foreign country, and run the hazard both of robbers at land, and pirates at sea: And when there is no record in chancery to be a check upon this patent, and to detect any alteration or forgery in the same.

But whenever there shall be several blanks left in a patent, and one blank of an entire sheet, large enough to insert therein unlimited powers, and convey away England or Ireland to the French king, how can such an action be justified, with safety to England, and the constitution of the government?

And from thence also it may appear, how inconsistent it is with the safety of the king and kingdom, and the trust reposed in these great officers, that they should take any grants of the king's revenue to their own private use: For shall that great officer who is appointed to take care that the king be not deceived in his grant, be the taker of the grant himself? What is this but to appoint officers as centinels to watch for themselves, and not for the king? To give them an opportunity to deceive, and not to keep the king from being deceived? It can never be consistent with reason, or the wise constitution of the English government, to trust any man in his own case; either that person ought to be no officer, or that officer ought to take no grant: For if this be once established as a precedent, and declared to be lawful, 'tis plain, that all the care that is taken to preserve a regular course in the exchequer for the security of the crown is evaded and defeated; which is absurd, and a contradiction to the very design and intent of the original constitution.

'Tis true, that such things have often been done without punishment; but it is as true, that such offences have been punished: And that whenever such an officer was called in question, that offence was always made an article of impeachment. There has, indeed, been frequent robbing on Shooters-Hill, but will that usage justify the legality thereof, at any trial at law? No, the oftner it has been done, the more need of redress.

But whenever a great officer of state, upon whose care and fidelity the king and the people do chiefly depend, shall take grants of the king's revenue in time of war, when the nation is oppressed with heavy taxes, and large debts, and when the grants shall be taken in other persons names, the better to cover a fraud, or elude the force of a law; and when considerable rewards shall be given to inferior officers, to make proper discoveries for that purpose; or when such a great officer shall pretend to make a purchase from the crown, and never pay in his money, but perhaps by a fictitious talley,

or some other artifice, shall avoid the payment, any such deceit, in so great an officer, contrary to his oath and the duty of his office, will always be esteemed (as in reason it ought to be) a very great aggravation of the offence.

But as these great officers cannot legally take to themselves any private grants from the crown, so much less any grants of a more public nature, where the justice of the nation is concerned, and where the interest of those great officers may probably interfere with the rights of the subject.

The judges of Westminster-hall cannot take a grant of any man's estate before conviction, because it would then be their interest to convict him, whether guilty or not, which would bring a great hardship upon the subject, and occasion many false accusations; and the most innocent subject would be forced, in that case, to compound at any rate for the hazard of his life.

The same reason holds good in all other cases, where the takers of the grants, or the profits thereof, may in any probability become judges and parties in the same case. As if any grants should hereafter happen to be made of goods and merchandizes taken on board of pirates, before conviction, to several great officers of justice, and ministers of state, or to any other in trust for them, the honest merchants, from whom these goods were first taken by the pirates, making their claim within a year and a day, and proving their title to the same, have a right to have their goods restored to them; but what a condition will the poor merchants be in in that case? If they go to New England to sue for justice, there the governor may be judge and party against them: If to the admiralty in England, there may be another judge and party presiding at that board: If to the high court of Chancery, a judge and a party may be there also concerned in interest against them. If they apply to the council, there may be a great many parties interested against them. So that the property of the subject may (in effect) be defeated by such grants; for since the remedy is made so difficult and in a manner impracticable, who would not rather lose his goods, than attempt to recover them at a vast expence against such potent adversaries? Who would be so unwise as to throw away his money and time, upon so desperate a remedy?

So that it seems very rational to conclude, that such sort of grants, to public officers of justice, and powerful ministers of state, cannot be justified; or else, that there is a manifest defect in the constitution of the government, which ought not to be allowed: For it is a fundamental maxim of our government, that no man shall be judge in his own case, but that the duty and interest of every officer be one and the same, and go hand in hand together, for the common safety of the king and the people, and not interfere with one another; and therefore that public officer that takes a grant to himself, or to any other in trust for him, whereby he doth, or may, become both judge and party, or which makes it his interest to act contrary to his duty, is manifestly guilty of a breach of the high trust reposed in him; for such a proceeding tends to the obstruction of justice, to the dishonour of the king, and to the violation of the property of the subject.

And here we may observe the excellency and wise contrivance of the constitution of this government; for how is it probable any prince should understand whether such grants as these are legal or not? The pretence of destroying pirates that infest the sea, disturb the trade, and invade the properties of English merchants, is plausible and fair, and what the best of princes are desirous, and think themselves obliged to accomplish, for the good of their subjects: But then the public officers ought, at the same time, to acquaint his majesty, that the doing of this is a royal prerogative inseparably annexed to the crown, and not fit to be entrusted with any private subjects, for their own particular advantage, much less with such public officers of justice, and ministers of state, as are before described.

The king is the father of his people, and it is not his interest to do wrong to them;

and in case any dispute arises, indifferent judges are appointed to decide the controversy; but when grants shall be made of goods before convictions, and the judges shall be entitled to the benefit of their own judgments and decrees, the subject must needs be in a very miserable condition.

And therefore it is wisely provided, by our constitution, that the king shall be guarded by his officers and ministers, who are bound to understand the business they undertake; to give his majesty a just and true information of the law upon all occasions, and at their peril to avoid the passing any illegal grant; and that no blame or wrong be imputed to the king, but to his ministers.

CHAP. III.

Of the Security to the Public, from the Establishment and Use of the King's Councils.

As the law has a great regard to a private grant of the crown, so more especially to those public acts of government, to those great and weighty grants and patents, that relate to the common welfare and happiness of the king and kingdom.

And therefore, in all public acts of state, as making war and peace, calling and dissolving parliaments, &c. by the original constitution of this government, the king is to be advised by his privy-council, which is called, *Concilium Regis Privatum et Concilium Regis Secretum.* These privy-councellors are *Partes Corporis Regis,* they are incorporated into the monarchy, and are bound by the ancient oath of a privy-councellor (amongst other things,) to keep secret the king's councel, and to advise the king in all things to the best of their skill and knowledge for the universal good of the king and his land, and for the peace, rest, and tranquillity of the same.

This institution can be no restraint to the just power and prerogative of the king, because the king has the choice of his councellors; and if he does not approve of the advice of one council he may choose another.

And, as has been said before, the king being *pater patriæ,* can't be supposed to desire any thing but the public good: And no man can imagine, that any wise or good king would attempt any undertaking relating to the public which he could not get twelve men in England to think safe or reasonable.

This institution, therefore, as well as the appointment of the great officers of state, is for the security of the king and the people: Of the king, because no blame can be imputed to him, but to his council: Of the people, because the privy-councellors being upon oath, and being answerable to the parliament, have reason to take care to give such advice as shall be advantageous for the public good, or at least consistent with the general interest of the king and kingdom.

'Tis true, a bad prince may get a bad council, and may do bad things, but then the parliament have relief against the council, and preserve their prince.

And therefore, both good and bad princes have reason to approve of this institution; for if they are good, they will be glad of good council; if they are bad, they'll rather choose that their councellors should suffer than themselves. And it will be very difficult to find out more than one instance, in all the English history, where any king ever suffered in England, but where the prince was either so imprudent as to take all the faults on himself, and excuse his ministers; or, at least, to protect them from the usual methods of justice, by refusing to refer them to a free parliament.

Observe, therefore, the steps that are taken for the common safety: First, there are great officers of state, to observe and watch that nothing passes to the prejudice of the king or the people. Secondly, if a matter be too high for their determination, then it is considered by the king and his council, where the matter is not only determined by

a greater number, but also upon a solemn debate and hearing of the arguments of all parties: which may be compared to a consultation of able lawyers or physicians, conducing very much to the safety of the public; but if the matter be of such weight and difficulty that the council don't think fit to determine the same, or cannot come to a safe resolution, then they humbly advise the king to refer that affair to his great council assembled in parliament; and by this means all are safe without prejudice to any one.

And here it may be observed, that an error has formerly crept into this part of our constitution; and that is, by determining matters of the highest importance without advising with any of the established councils. The original of which, in the late reign, seems to be derived from the precedent of France, where it was first invented as an introduction to an arbitrary government; and 'tis to be doubted, that they were no true friends to the constitution of this government, who first brought that evil custom into England.

'Tis true, former princes did sometimes advise with particular persons, before they offered a matter to the council to be debated and determined; but it is an innovation by evil ministers, that war and peace, and matters of the highest consequence, should be finally concluded in a secret cabal, and only pass through the privy-council for form's sake, as a conduit-pipe to convey those resolutions with authority to the people.

All proclamations for declaring war, &c. are constantly set forth in the name of the king, with advice of his council (which shows that it ought to be so) when perhaps the war was resolved in a private cabal, and only declared in a privy-council, and published with that authority to the people; which is an abuse of the constitution.

It is therefore a noble resolution in his majesty to restore to England the practice of their ancient constitution, to repair the breaches and innovations brought in upon them in the late reigns, and not only to declare, but debate and transact all matters of state in the privy-council.

Such a proceeding tends very much to the honour and safety of the king, and the satisfaction of all the people of England.

But upon what has been said of the nature and authority of the privy-council, it may appear, that as to the setting the great seal of England to foreign alliance, the lord-chancellor, or lord-keeper for the time being, has a plain rule to follow, that is, humbly to inform the king, that he cannot legally set the great seal of England to a matter of that consequence, unless the same be first debated and resolved in council; which method being observed, the chancellor is safe, and the council answerable.

And if a matter of that moment shall be hereafter referred to one of the lords justices, and such as he shall think fit to advise with, in the king's absence, it would be an astonishing thing to hear, that a person of that high trust and station, and of great learning and knowledge in the law, and in the constitution of the government, should neither advise with the privy-council, nor so much as communicate the same at any solemn and usual meeting of the lords justices, that shall then equally be entrusted with the regal power and safety of all England.

It is true, that an alliance made by the king, and sealed with the great seal of England, may be good and valid in law, and so accepted by all foreign princes, whether the treaty was concluded and the great seal affixed to it by the advice of the privy-council, or not: But this does not lessen, but rather aggravate, the crime of the officer; for the greater the consequence, the greater ought to be the care not to transgress the law.

The happiness and prosperity of England hath hitherto been preserved by the constitution of our government, by the several securities and checks that are appointed for the common safety, and not by any private trust or management: and therefore, how-

ever an offence against this constitution may by some circumstances be mitigated, yet it can never be justified.

But as the king has always a privy-council, so he hath upon extraordinary occasions a great council, the parliament of England, who are summoned together to assist and advise the king, in matters of the greatest difficulty, concerning the state and welfare of the king and kingdom.

Whenever, therefore, a matter of the highest consequence to England, as any alliance with France, hath, and must always be esteemed, shall be privately carried on by particular ministers, and the great seal of England put to it, during the sitting of the parliament, and without advice of the same, or even of the privy-council, that must ever be esteemed a high breach of the constitution.

It is a maxim in law, *Ignorantia juris non excusat;* but if ignorance of the law will not excuse an offence, certainly the knowledge of the law is no small aggravation; and therefore that minister that first expresses a deep sense of the dangerous consequences to the nation, by any treaty, and yet at the same time against his own judgment, and without the advice of any established council, affixes the great seal to the ratification of it, cannot plead that as a mitigation, much less as a justification, of the offence.

Whenever, therefore, any persons learned in the laws and constitution of the government, shall severely condemn the faults of others, and afterwards do the same and worse things themselves, they ought much more to be blamed for it.

CHAP. IV.

Of the Nature of the Powers and Proceedings of the Lords and Commons upon Impeachments.

The exercising of all public acts of government by public officers, who are answerable for the same, is not only a great security to the king and the commons for the reasons aforesaid, but also to the lords: for what can more secure the power, greatness, and dignity of that honourable house, and keep the great ministers within the bounds of law? What can make them have greater regard for the persons and properties of the lords, than this very consideration, that on all impeachments of the commons, the lords are to be their judges.

The several powers then of the lords and commons do mutually depend upon and support each other; for as the commons cannot have their remedy against an evil ministry, without the judicature of the lords, so the power and judicature of the lords cannot entirely be preserved without supporting the right of impeachments in the commons.

It is therefore the interest of the lords and commons to preserve to each other the several and respective rights and powers vested in them; for on the due execution thereof depends the safety and happiness of both houses.

These distinct powers, therefore, being lodged in the lords and commons, as branches of the supreme authority, for the common safety, ought to be so limited and bounded by one another, that both may consist together for the common good, and that it be not possible for either of them to defeat the power lodged in the other.

And, therefore, as the king himself, who is father of his country, and whose justice ought not to be questioned, is not entrusted by the constitution with a power to defeat the right of judicature in the lords, or the right of impeachments in the commons, or to render the same impracticable, because these distinct powers are appointed in the original institution of the government, as mutual checks upon the prerogative,

and upon one another, for the common safety; so, *a fortiori*, it may be argued, that the commons are not entrusted with a power to defeat the right of judicature in the lords, nor the lords with a power to defeat the right of impeachments in the commons.

And therefore, as the right of impeachment in the commons must not be so construed, as to enable them to make the right of judicature in the lords impracticable when they please, so the right of judicature in the lords must not be extended so far as to enable the lords to make the right of impeachments in the commons impracticable when they think fit: But both the powers must admit of such a limitation and construction in the nature and exercise thereof, as that they may consist together for the common good, and be able to attain the end for which they were established.

And here I must beg leave to observe, that I do not pretend to treat of the judicature of the lords upon writs of error, or upon indictments, nor of the trials of lords out of parliament, for treason or felony, by their peers, nor of any other authority but only of the judicature of the lords upon impeachments, which is a power lodged and entrusted with the lords, as a branch of the supreme authority, to do justice between prince and people, on all great offenders, public officers, or ministers of state, who shall be impeached in the name of all the commons of England for offences against the state, in violation of their oaths, in breach of the high trust reposed in them, and to the prejudice of the rights of the people of England: And therefore this great power being founded on different reasons, is different in its nature, and also exercised in a different manner from both the other. For,

Upon a writ of error, the cause must always be originally tried by the judges in Westminster-Hall, and the matter of fact found by an ordinary jury, where all proceedings are to be had, and judgments to be given, according to the common and statute laws of the land, used and practised in all the ordinary courts of justice, for the preservation of the lives and properties of particular subjects; and therefore in this case the lords are to determine upon such a writ of error, whether the judges have given judgment according to the said laws or not.

But in case of an impeachment, the cause comes originally to be tried before the lords, according to the law and custom of parliament, which is very different from the common laws, and by which their lordships do act in a more extraordinary manner, both as jury and judges, which is a method of proceeding never used in any inferior courts, by the common and statute laws of this realm; and as their power is different, so is the nature of their proceedings.

And so in the case of the trial of a lord out of parliament for treason or felony, by his peers: There the lords are only triers, in the nature of a jury of peers, and not judges, but the high-steward is the judge, and pronounces judgment according to the known laws of the land.

And therefore, the office of high-steward seems to be a necessary office in that case, though not in the case of impeachments, or trials before the lords in parliament, for the reasons aforesaid.

For impeachments not being at the suit of the king, but of all the commons of England, and being in the time of a parliament, where every branch of the legislative authority is exalted to a high pitch of greatness and power, and where the powers vested in them are designed as mutual checks one upon another, for the common safety, it does not seem agreeable to the constitution, that the king, by any pardon, or otherwise, may defeat the parliamentary power of judicature in the lords, or power of impeachments in the commons.

But a prosecution for treason, or felony, out of parliament, is at the suit of the king; and consequently, though the lords are triers, the king is to appoint the judge, and may pardon the offender. By all which, the difference may appear between the judi-

cature of the lords upon impeachments, and their lordships judicature and power in other cases.

And therefore, to return to the right of judicature upon impeachments, it must be acknowledged, that a right of judicature does necessarily imply a power of judging and determining whether an offender that is brought to trial for any offence be guilty or not guilty, for that is inseparably annexed thereunto.

And therefore the commons cannot insist on the right of concurring in the sentence, and giving their voices with the lords, whether the offender be guilty or not, without encroaching on the right of judicature in the lords.

But the appointing a time for bringing in the articles of impeachment, and of time and place for trial, is not necessarily implied in the power of judicature, or inseparably annexed to it, but is a collateral power, which may or may not belong solely to the judge, as the nature of the case does require.

It must be confessed that it seems very proper for every court of justice to order and direct such circumstances and matters of form that can have no influence to the prejudice of justice, in such way as they shall judge fit, and where the same are not settled otherwise by any positive rule.

But then, in the case of the fundamental constitution of the government, where the whole is at stake, and where the king, lords, and commons, do all depend upon reserving a just balance of power, they are not to depend upon the will of each other, but upon the power; and therefore, if by any possibility such a power may at any time be made use of by the lords, to the prejudice of justice, it does not seem reasonable, that the same should be allowed in this case solely to the lords, without the approbation of the commons: for where the reason varies, the collateral powers may also vary, without any encroachment on the right of judicature.

If the lords upon all impeachments have an absolute power belonging to their judicature of limiting a time for bringing in the particular charge before them; and also to appoint time and place for the trial of an impeachment, and to proceed both to trial and judgment without any regard to the commons, whether they are ready and do concur, or not; have not the lords then a power to make the right of impeachments in the commons impracticable when they think fit? May not the lords either appoint a time so short that the commons cannot possibly be ready, or a time so long that justice shall never be done? and may not the place appointed be so distant, or so very inconvenient to the commons, that they shall not be able to attend the prosecution of the said trial with effect?

As in case of a general impeachment, it may be supposed to be possible, that the lords may appoint the next day to bring in the articles (which perhaps cannot be done so soon in a parliamentary way of proceeding) and they may appoint the following day for the trial to be had at Truro in Cornwall, where neither the commons nor the witnesses can be able to attend; or else the lords may appoint the trial to be had twenty or forty years after, by which time all the prosecutors and witnesses may be in their graves, and the nation undone by an evil ministry. All this is possible to be done, though not probable; but a wise constitution of government provides against possibilities (as far as may be) where the common safety is at stake.

If, therefore, the commons have no right of impeachment, but what the lords may defeat, or make impracticable when they please, then it is plain the commons have not such a right of impeachment, as is sufficient to answer the end proposed by the constitution of the government; which is, to secure the rights and liberties of the people of England, and consequently the commons have (in effect) no right at all.

And, if the right of impeachments may be defeated, the right of levying money may, in effect, be defeated too: for what signifies the power of giving money for the safety

of the nation, without the power of impeaching evil ministers, that act to the ruin of the nation, or misapply that money to their own private or other corrupt uses?

And herein (amongst other things) consists the safety of the people of England, that those noble lords who in any age might, perhaps, be disposed to save their friends or relations in an honourable way, or by any collateral method of discharging the prosecution, yet, upon a full hearing of the case, will not be diverted from justice; and especially upon a fair trial in open parliament, where the king is generally present, the whole body of the House of Commons, and great numbers of persons of the best rank and quality of England, besides all the foreign ministers, none of them will be persuaded to declare upon honour, that a person impeached is not guilty of an offence, which is then by sufficient evidence proved against him.

And therefore, it highly concerns all the commons of England, that trials on impeachments may not, by any possibility, be defeated by any collateral powers in the lords; and it seems plain, that we must either reject the original constitution of the government, established by our wise ancestors, to preserve the balance of power, for the common safety of the king, lords, and commons, or else we must conclude, that the lords can have no distinct power belonging to their judicature, which is able to surprise the commons, and make the trial of impeachments impracticable.

And, as in the cases before-mentioned against the king's pardoning impeachments, and against the necessity of having a lord high steward in the trials of peers, during the sitting of a parliament, it was not considered, what the king in justice would do towards the defeating the right of judicature in the lords, or right of impeachments in the commons, but what in right and power he might do if he pleased: So in case of a right vested in the commons, and secured and established to them by a proper distribution of power, in the original frame and constitution of the government, for the common safety of the king and the people, it is not to be so considered, what the lords in justice will do towards the defeating of that right, but what in right and power they may do, if they think fit; for the safety of England is not to depend on the will of any one house, but on a proper distribution of power secured to both.

And though all the deference imaginable ought to be given to that noble branch of the legislative authority, yet their lordships will not expect in this case to have a greater trust reposed in their lordships by the constitution of the government, than in the king himself; nor that the commons should give up the right of impeachments, as a matter precarious, upon will and pleasure, which is the great bulwark of the liberties of England; especially when by so doing, they would not only prejudice the people they represent, but in a good measure defeat the power and jurisdiction of the lords themselves, and destroy that balance of power, which is essentially necessary for the safety of all.

And when it is fully considered, it will appear, that it is not the interest of either lords or commons, to have more power than is necessary to preserve the balance of the constitution; for though, peradventure, either of the present houses may trust themselves with a dangerous weapon, yet it is not prudent to entail such a danger to their posterity, lest it should at any time hereafter be turned upon them, and this power misapplied, to the ruin of the constitution.

Those noble lords therefore, that shall at any time endeavour to preserve the balance of the constitution in this particular, will not act in derogation, but in support of the honour and power of that honourable house; and will wisely avoid the establishment of a precedent that may render impeachments impracticable, and at one time or other subject both lords and commons to the arbitrary power and tyranny of an evil ministry.

The way, therefore, to preserve the right of judicature in the lords, and the right of impeachment in the commons, without interfering one with the other, seems to be for

both houses to concur and agree in proceeding to the punishment of offenders, as well as to the passing of laws: And having adjusted all preliminaries in a parliamentary way, to go hand in hand together in the exercise of the several powers vested in them for that purpose, in order to a fair trial of all offenders; that is, that the lords do appoint time and place of trial, but that the same be convenient for, and agreed to by the commons.

This method of proceeding preserves inviolable the right of judicature in the lords, and the right of impeachments in the commons, without placing a power in one to defeat the power that is vested in the other.

Whereas, if either claims the sole power of appointing time and place without regard to the other, that house seems to claim a power that is able to defeat the power of the other house at will and pleasure, which by no means is consistent with the constitution of the government, or the safety of England.

It is a maxim in law and reason,——*Quando lex aliquid concedit, concedere videtur et id, sine quo, res ipsa esse non potest*;——When law, when sound reason, when the constitution of any government gives a right or power to one branch of the legislative authority, to be a check upon another, it gives every thing that is necessary to support that power, or else it gives nothing at all: And so where it gives a power to one to be exercised singly, it gives all that is necessary to support that single power; but when it gives two powers (the right of judicature and the right of impeachments) to two distinct branches of the legislative authority, to be exercised by both, as mutual securities and checks upon one another for the common safety, and it happens that one thing, viz. the appointing a convenient time and place of trial, is necessary to support them both, it must of necessity give that one thing so far to both, as that it cannot be exercised singly by one without the approbation of the other.

For whatever is necessary to support two distinct rights or powers, cannot be in any one alone entirely abstracted from the other; for then the one will want the power that is in the other, and will not be supported: And if any one wants what is necessary to support it, as a power, then it is no power at all.

Therefore, since a convenient time and place for trial of offenders is necessary both for lords and commons, it seems very agreeable to reason, that neither of them should have an absolute power of appointing the same without the approbation of the other; for if the lords have that power in them alone abstracted from the commons, which is necessary to support the power of impeachment in the commons, then the commons have, in effect, no real power at all: But that power of impeachment which they claim as a right, must be esteemed no more than a favour or courtesy, during the will and pleasure of the lords, and consequently if there be any weight in this argument, then it seems, by this construction, as if the axe were laid to the root of the constitution, and that there were an end of the right of impeachments, the great security of the rights and liberties of the people of England.

Therefore, in case of impeachments, where the commons are the prosecutors in the name of all the people of England, it seems highly reasonable and agreeable to the nature of the case, that the commons should make the first step in all that proceeding. First, by exhibiting articles in due time; of which, they that are to draw them are (in reason) the proper judges. Then by a previous signification to the lords, that they are ready for trial, and desire their lordships to appoint a convenient time and place for the same; (which, if inconvenient, the commons desire a conference, or free conference, to adjust the same) but if approved, then the commons are to be first at the place of trial, ready to prosecute; and after trial, judgment is not to be given till the commons think fit to demand the same: For as no impeachment, so (in reason) no step upon an impeachment is to be made, but at the suit and desire of the commons of England.

For all suits are prosecuted either in the name of the king, or of the commons of

England, or of private subjects; and they in whose name any suit is prosecuted, may, if they please, let fall the prosecution, and in no court whatsoever will the judges proceed to trial, in any private suit, unless the plaintiff appear in person, or by attorney; nor to judgment, unless the same be demanded by the proper party, to whom justice is to be done.

But an impeachment is not at the suit, or in the name, of the king, but of the knights, citizens, and burgesses of parliament, and of all the commons of England; and therefore as the king cannot discontinue, or put a stop to any private suit, nor pardon, or enter a *Noli Prosequi* upon an appeal of a private subject, for the killing of his relation, so much less is such a power reasonable upon an impeachment of the House of Commons, for invading the rights of all the commons of England.

But although the king cannot, yet the private subject himself may delay his own suit, as in the case of a trial on ejectment; and so may the commons delay, or let fall, a prosecution upon impeachments; for they are the plaintiffs in this suit, they are the appellants, they have a power by the constitution of the government, to impeach and prosecute public officers and ministers of state, for any mismanagement, to the prejudice of the public; and will any man say, that the House of Commons have not more power over their own suits, than any private subject hath? Will any man say, that the concern of a private subject is of more weight than the concern of a whole nation? Or, can any rational person affirm, that such a power in the commons is unreasonable? No. We may as well argue, that it is an unreasonable thing for the lords to have a right of judicature, upon honour, because it is possible they may be partial in justice, as for the commons to have a right of impeaching and prosecuting offenders, at discretion, because they may delay the prosecution.

'Tis true, that in the case of a private subject in an inferior court, both law and reason doth admit of a supposition, that a suit may be commenced out of malice and private revenge, or an erroneous judgment may be obtained; and therefore, a reasonable time is limited for such prosecutions, within which time, if the plaintiff does not proceed, his suit may be dismissed; and a method is appointed for reversing such an erroneous judgment, upon a writ of error.

But neither law nor reason, nor the constitution of any government, doth admit of such a supposition to be made against any branch of the supreme legislative authority; for since the wisest men in the world, in the original institution of government, cannot provide for all possible cases that may happen, and on which the happiness or ruin of a nation may depend, it is absolutely necessary, that all the branches of the supreme authority have a liberty of exercising the extraordinary powers vested in them for the common safety, in such a manner, as they in their great judgments and discretions shall conceive to be most just and reasonable, and most advantageous and conducing to the public good, and from which there lies no appeal.

And therefore, since a discretionary power of impeaching and prosecuting great ministers of state is necessary to be lodged in some one branch of the supreme authority, no rational person can justly argue against that power in the House of Commons, unless he can shew any other body of men in England in whom that power is legally vested, or can indeed be more safely lodged, than in the representatives of the people.

And as to that, there are three branches of the supreme authority, the king, the lords, and the commons; but it is not proper to place a discretionary power in the king, of prosecuting ministers for obeying his own unlawful commands, because it is possible to have a bad prince, who may aim at arbitrary power, and rather countenance than punish his ministers in such cases.

Nor no man can reasonably place a discretionary power of prosecuting offenders upon impeachments in the lords, for then the lords will be both judges and prosecutors, which is absurd; and since the public officers and great ministers of state are fre-

quently members of that honourable house, it is happy for the people of England, and a great honour to that noble assembly, that justice can be had against them there, at the suit of all the commons of England.

Since then this power of impeaching and prosecuting evil ministers, is necessary for the public safety, and must be placed in some one branch of the supreme authority; and since no branch thereof are accountable to any superior power, but may exercise the powers vested in them, as they in their great judgments and discretions shall think most conducive to the publick good, and since this power cannot be lodged with the king nor with the lords, for the reasons aforesaid, it follows, that the same is legally vested in the commons; and that they may exercise it as they think most convenient for the public safety, without controul, or rendering any account of their proceedings; and consequently, that they may (amongst other things) exhibit articles of impeachment when they think it convenient; that is, in due time, of which they, who are to draw them, must be the proper judges.

But to explain this matter to the meanest capacity, give me leave to suppose (for a wise constitution of government provides a remedy for all distempers and accidents in the body politic) that in any future reign, a great and powerful minister of state, having the command of many millions of money raised for the necessary occasions of the king and kingdom, but in great part employed for the unnecessary occasions of this powerful minister and his creatures, should thereby be enabled to create many friends and dependants in the government, and also in the several branches of the supreme authority; and at length, to establish such a scheme of management of the public affairs, that the nation should not only be brought under a vast debt, whilst the managers got vast estates, but should be involved in such unhappy circumstances, and so reduced to the last extremity, that the representatives of the people should be entirely convinced that either that public manager must be removed from the public ministry, or the nation be utterly ruined and undone.

What would you have the House of Commons do in such a case? Would you have them sit still and see the nation brought to ruin and desolation? Would you have them betray their trust, and act contrary to their judgments? No! The House of Commons, in such a case, ought to do what all good men would expect from them; and that is, to carry up a general impeachment to the lords, and appoint a committee to draw up articles upon that impeachment; and in the mean time they would humbly address the king, for his own and the common safety, to remove that great minister from his councils and presence.

And the committee appointed to draw up the said articles, would think themselves obliged, for their own reputation, and for the honour of the House of Commons, and of all the commons of England whom they represent, to take great care in discharging the trust reposed in them; and therefore, as the case may happen to be very short, so it may also happen to be very long, and according to the nature thereof, and the circumstances of the fact, so the drawing of the articles may take up a very short, or a very long time.

Sometimes there are a great number of articles to be exhibited, sometimes very few, sometimes many witnesses are to be examined, at other times none at all; sometimes they are obliged to send for persons, papers, and records; at other times they want no such assistance; sometimes the witnesses are near at hand, sometimes at a great distance; sometimes the commitee agree to all the articles at first sight, sometimes they differ in opinion about every article, and many days are spent in debating one article, and perhaps in debating one sentence in that article; and the like may happen upon the report to the house, where the same are read paragraph by paragraph, and frequently debated and altered before they are agreed to by the house. And infinite other circumstances may happen, to make the proceeding more quick or more slow; and

therefore, who can possibly be the proper judges of the time of bringing in the charge against he person impeached, but they who have all the circumstances of the case before them?

It is true, that in inferior courts, where causes are carried on by private persons, and not by numerous bodies of men, and where the nature of the business does admit of it, the law hath appointed a set time to private subjects, for bringing in all declarations and pleadings; and in case the plaintiff or defendant desires a longer time he must give a good reason for it: But this is so far from being an argument against the privilege of the House of Commons, that it is a strong argument for it: for it is evident by all the precedents in the journals of the House of Lords (of which many are lately published) that no fixed day was ever appointed for bringing in articles of impeachment, but that sometimes they were exhibited the same day, sometimes in two days, sometimes in five, seven, twenty-five, and twenty-nine days, and at other times they have not been exhibited till another session, or another parliament, as the nature of the case has required; and therefore, there never being any set day fixed for bringing in the charge, does evidently demonstrate that it was left at liberty; and that neither the nature of the case, nor the nature of the constitution of the government, did admit of any limitation of time in such cases, but that the same was entirely left to the discretion of the House of Commons. And what great matter is this, that the House of Commons, who have a power over the rights and liberties of all the people of England, as their representatives, should also have a power over the liberty of a particular subject? Where is the danger? What is the great inconvenience? It is plainly proved, that we must either trust it there, or no where; and if we trust it no where, we must all be ruined.

And if the commons have usually brought in the articles or charge in a short time, that is no sort of argument against them, but rather demonstrates that they have ever made good use of the power lodged in them, and therefore ought not now to be divested of it.

But, although the commons have upon all occasions demonstrated their zeal for justice, and their tenderness for all particular persons, as far as was consistent with the public safety, does it follow from thence, that when they desire it, and conceive there is occasion for it, that they must not have as much time to prosecute an impeachment at the suit of all the commons of England, as a little attorney has to prosecute an action of ten pounds at the suit of a private subject? No certainly, this can never be admitted, when it is duly weighed and considered in a proper manner.

For if ever the parliament should be inclined to limit a time for bringing in the charge, and prosecuting an impeachment to trial and judgment, which must be done by a law, as the bill of privileges was, and not by any one branch of the legislative authority, yet it cannot be conceived, that any member of either house would desire the time should be limited to so short a space as the very same sessions of parliament; which though ever so long, may be so taken up with other public business, and the prosecution delayed by accidental circumstances, that the greatest offender may in such a case escape, for want of time to make good the charge against him; and so the liberty of all the people of England be lost for ever, for fear of losing the liberty of a single person for a short time.

And here it may also be observed, that the trying of impeachments hath always taken up a considerable part of a session of parliament, by reason of the greatness of the assembly, and the debates that frequently happen about the privileges of both houses, as may be seen in all proceedings of that kind, in the journals of both houses: And therefore, in times of danger, and at the latter end of a session, when foreign affairs, and matters of great consequence, require dispatch, it may not always be consistent with the safety of the nation, to proceed to such trials; and whether is of greater con-

sequence to the public, the safety of the king or kingdom, or the trial of an impeachment this sessions or the next?

But when a debate shall at any time arise between the two houses, that concerns the right of all impeachments whatsoever, and consequently the common safety of the king and people, there the commons ought not to proceed to trial, till that matter be first determined, notwithstanding they have plain and positive proof against the person impeached, or that he had actually confessed many of the articles of impeachment, which alone were sufficient to found a judgment against him; for otherwise it may so happen, that the whole justice of the nation may be obstructed and defeated, by proceedings of the like nature.

This was the resolution of the commons in the case of the five popish lords, whom no person can think they were unwilling to bring to a trial, or that they made use of such pretences only to cover an affected delay in the prosecution.

There may perhaps be instances given of a private suit being heard and determined in the said term, but then it was by consent of all parties; or else no court in Westminster-Hall can compel either party to come to trial and judgment the first term, by the strictest rules of proceeding; and if a trifling suit of small value be ended in three terms, it is reckoned a very quick prosecution; since few of them are determined in as many years: And is it reasonable, that three or four impeachments, at the suit of all the Commons of England, should be brought to trial and judgment, without consent, the very same session of parliament?

And if the lords have a legal power to appoint a time for bringing in the particular charge before them, and in default thereof to dismiss the impeachment, may not the lords then, if they please, make all impeachments whatsoever useless and impracticable, and the people of England have no certain remedy for redress of grievances.

And in case the lords may also proceed to trial and judgment, without the concurrence of the commons, then they may proceed either to judgment of condemnation, or to judgment of acquittal, and may not either of these proceedings, at one time or other, prove very prejudicial both to the king and the people?

For give me leave once more to suppose, (what has or may happen) that there should be at any time hereafter a great conspiracy to take away the life of the king, and to subvert the government, and two offenders are first detected and impeached; and afterwards it should appear by farther evidence, and by the confession of the impeached persons, that divers other great offenders more dangerous than themselves, are engaged in the same wicked design; and that it was absolutely necessary for the common safety, that the first impeachment should not be prosecuted, in order to make those persons evidences against the rest: And suppose the said great offenders to have many great friends and relations; if then the House of Lords have a power to proceed to trial and judgment, without the consent and concurrence of the commons, may not the lords, if they please, condemn the persons that were to be the witnesses, and afterwards acquit, for want of evidence, all the rest of the dangerous conspirators, whereby utter ruin and destruction may happen both to the king and kingdom.

It is true it may with great reason, and without the least doubt, be presumed, that the present House of Lords doth abhor the least thought of such an action; but we are not now arguing what any House of Lords will do, but what they may do hereafter, if they think fit, and from thence to draw an argument to prove the constitution of the government in this particular.

For such is the admirable contrivance of the constitution of the government of England, to the eternal honour of those who first established the same, and for the perpetual happiness of the English nation, that no care has been wanting effectually to provide for the public safety, and therefore a less security was not established for the safety of the people, when a greater might be had: The people of England are not to

depend upon the security of two checks or branches of the supreme authority, when the nature of the thing will admit of three; nor of any one, when the nature of the case will admit of two.

Thus, in the passing of laws, the nature of the case doth admit of three to be checks one upon another, the king, the lords, and the commons, and therefore no law can be passed but by all three branches of the supreme authority, who are united by interest in the same common end, the public good. But in punishing great ministers of state, for doing unlawful things at the command of the king, the nature of the case does not admit of all three, for the reasons aforesaid: But it does not admit of two, the lords and commons; and therefore, it seems very agreeable to the wisdom of our forefathers, that neither of them should be omitted, where the security of both might be had; and that since both houses are united by interest in the same common end, they should also be united in the means to attain that end; and that the safety of the whole nation should not depend on any one, but on the concurrence of both houses.

And thus it seems to be wisely established, that as the commons cannot impeach but at the bar of the lords, so the lords cannot regularly proceed to trial or judgment on that impeachment, but upon the prosecution of the commons.

And as the lords have a right on one side to appoint a time and place of trial, so the commons have a right, on the other side, to such an appointment as is convenient for both houses.

And here again we may observe the policy and excellency of this constitution, which is so contrived, that it does in a manner compel an agreement between the two houses for the public good; for if neither house can regularly proceed to trial and judgment, without the concurrence of the other, they must either agree to settle all preliminaries for the conveniency of both houses, or else both the powers of lords and commons, relating to the impeachments, will be rendered ineffectual.

So that it is not very material which house has the power of appointing time and place, since they must be convenient, and approved by both. Neither is it to any purpose, for either of them to insist on any time and place of trial when both are not ready, if neither can regularly proceed to the said trial without the concurrence of the other.

And as there is great conveniency and security to the subject on one side, by the necessity of the concurrence of both houses, so there is no manner of inconveniency by it on the other, but what is incident to all governments in the world; for if the supreme powers cannot agree, not only a private subject must suffer for want of being brought to trial, but the whole kingdom must suffer for want of their agreement.

And as to the liberty of a particular subject impeached, certainly his life and fortune is still more safe in the hands of both houses than in any one; and much more safe under the necessity of their concurrence, than if any one house had the power of proceeding alone; for as it is the interest of an innocent person that justice be not delayed, so it is his interest that justice be not precipitated.

A guilty person may have reason to dread the delay of a session, because he may perhaps dread the discovery of more faults; but an innocent person being safe from the latter fear, hath no reason to be too much concerned at the former, especially when his person is under no confinement.

But be the case as it will, the most that can be made of it for the liberty of the subject is only this, that by one construction the lords may delay the trial of an impeachment, and in the other the commons, that is, by one the liberty of the subject is in the power of the lords, by the other of the representative of all the commons of England.

But since the lords are not entrusted with both powers, but only with the right of judging, and the commons have the right of prosecuting offenders, it seems reasonable

that the lords may judge, and the commons prosecute, as they in their great judgments and discretions shall think just and reasonable, for the public good; and as no argument against the power of judicature in the lords ought to be founded on a supposition of partiality in justice, so no argument against the discretionary power of impeachments in the commons ought to be founded on the supposition of delay in the prosecution.

The lords and commons are both branches of the supreme legislative authority, and have these distinct powers lodged in them for the common safety of the people of England, and being mutual checks one upon another, and both under the happy influence of the king, who is the father of his people, we ought not to find fault with our constitution, but rather to admire the care and wisdom of our ancestors, who have done all that was possible, and the nature of the thing would admit, for the public safety.

It is the power of impeachments has hitherto preserved the constitution of this government from the many attempts of evil ministers; and 'tis to that we must always owe the common safety; and therefore the possibility, supposition, or reality of a hardship to a private person must not stand in competition with the public safety, nor with the rights and liberties of all the people of England. 'Tis better suffer a private mischief, than a public inconvenience; and therefore it is better for the nation that a few persons stand to the mercy of the commons of England, than that a fundamental part of the constitution of the government, which is established for the safety of all, be rendered precarious and ineffectual in their favour.

'Tis for the liberty of England that every true Englishman will contend; and surely it is better, that the commons have a discretionary power in the prosecution of impeachments than any others have a power of defeating impeachments, and thereby of destroying the rights and liberties of all the people of England.

The king, lords, and commons, have several rights and powers, as necessary checks one upon another, to preserve the common safety; but if any one hath a power to make the power of the other impracticable, then they cannot be checks one upon another, and consequently there is no common safety.

No sort of government doth admit of an absolute perfection, and therefore that government is the best which carries with it as great a certainty and security for the king and people as the nature of human government will admit; and since in all constitutions of government there must be a power lodged somewhere for the preservation of the rights and liberties of the people, and that power in this government is chiefly lodged in the commons of England as their representatives, we must not, in favour of a few, endeavour to destroy the original constitution for the safety of all.

The commons of England are men and may err, yet it is they have hitherto preserved the rights and liberties of the people; and the discretionary power of impeachments is so essentially necessary to the preservation of those rights and liberties, that whenever it is taken from them, the safety of the people is gone with it.

What had become of this nation in former reigns, when evil ministers had almost ruined the king and kingdom by secret intrigues and private councils, if the commons of England had not had a power to censure them even upon common fame?

How often had England been undone, if it had been necessary to make the proofs publick before the commons impeached evil ministers, or made any address to the king to remove them from his council and presence?

Evil council, like poison, is given in secret; and though all men are convinced of the guilt by the consequence and effects, yet plain and positive proof is not immediately to be attained: And if evil ministers are to be continued till such proof can be regularly produced, upon trial of an impeachment, the nation, in that time, may be ruined and undone.

For this reason, the power of impeachments was not lodged in any but the repre-

sentatives of the commons of England; nor the right of judicature, upon such impeachments, in any but the House of Lords, who being original branches of the supreme legislative authority, are presumed to be above any private ends or designs, and therefore are not confined to the strict rules and methods of proceedings in inferior courts.

And here it may be observed, that no subject of England ought to think himself in danger of any injustice from the House of Commons, who are a branch of the legislative authority, representatives of all the people, guardians of their liberties, and patriots of their country, and where it is not to be imagined that a majority of so numerous a body of gentlemen can be influenced against reason and justice; and the person impeached may also petition both lords and commons to bring on his trial.

And it may also be observed, that whenever either house has thought fit to put the other in mind of any matter depending before them, it has always had a due influence, for the dispatch of business, in a reasonable time, and has ever been done with that great respect to each other, as is due from one branch of the legislative authority to another, and as becomes the wisdom and conduct of both houses, without the least reflection on the honour or justice of either house, or without expecting any answer thereto.

For this proceeding seems to be founded on a supposition, that in the multitude of business a single matter may be neglected, but that as soon as either house is put in mind of it, they will immediately proceed, or else that they have just cause to the contrary; and therefore, after they have put one another in mind, in general terms, the proceeding is still left to their own discretion, without expecting any answer, or inserting any thing in the message, that may seem to distrust the honour and sincerity of either house.

But by what has been said, it may appear, that there is as much care taken by the constitution of our government, for the liberty of particular subjects, as is consistent with the preservation of the liberties of England; and more than that cannot reasonably be expected.

Hence also it may appear, that the lords and commons being branches of the supreme legislative authority are not in the exercise of the great and high power reposed in them, for the common safety, to follow the laws and customs of the inferior courts of justice, but the laws and customs of parliament; for as the foundation and reason of their proceedings are different, so are their laws.

And therefore, as it would be very improper to cite a case out of the journals of parliament, as an authority in Westminster-hall, so it would be altogether as improper to cite a precedent out of Westminster-Hall as an authority in parliament.

Lex et consuetudo parliamenti, the law and custom of parliament, is a distinct law by itself. Thus my Lord Coke says, in his 4th Institutes, p. 15, 'As every court of justice hath laws and customs for its directions, some by the common law, some by the civil and canon law, some by peculiar laws and customs, &c. so the high court of parliament, (*suis propriis legibus et consuetudinibus subsistit*) has its own proper laws and customs;' for as the reason differs, so also doth the law.

And therefore, there is as much reason to alledge, that a common informer and prosecutor ought to be treated as a branch of the legislative authority, as to affirm that a branch of the legislative authority ought to be treated as a common informer orprosecutor.

It is insisted, that what an inferior court can do a superior court may do; but all the inferior courts may appoint time and place of trial, therefore the House of Lords, who are a superior court, may do so too. This is true if the case be rightly stated; but *qui benè distinguet benè docet:* Every case stands upon its own bottom, and one material circum-

stance quite alters the nature of the case. A judge in Westminster-Hall may appoint the time of trial to a common informer, and also to the attorney-general, though this is seldom or never done without a previous signification to the court that he is ready with his evidence: But be it as it will, the lords may do as much to the same prosecutors, if they came before them. But it does not hence follow that they can do the same to the representatives of the commons of England, unless they can shew that the judges can appoint time and place of trial to the House of Commons, or that a common prosecutor, or the attorney-general, is a branch of the legislative authority, and has a right of impeachments vested in them as a bulwark to preserve the rights and liberties of the commons of England: Then indeed that case would be something like the case of the commons; but such a supposition being absurd, no argument can be drawn from thence against the rights of the commons.

The attorney-general does indeed prosecute in the name of the king, and the king ought to have justice as much as the commons; but then it must be considered that the king sues in his own courts in Westminster-Hall, and is as secure of justice from the judge as he is from the attorney-general; for the judge is not only bound to the king as his sovereign, but in conscience by his oath of a judge; and if justice be refused, he may be removed from his office, or a writ of error may be brought: But the lords are under no such oath or obligation to the commons, neither is there any appeal from their lordships judgment. So that if the commons may be surprized in time or place, it must be fatal to them without farther remedy, and the right of impeachments for the safety of England will be totally defeated. Therefore no inference can rationally be drawn from this proceeding in Westminster-Hall, to govern the case in question.

My Lord Coke, in his 4th Institutes, p. 23, treating of judicature, hath these words: 'Now order doth require to treat of other matter of judicature in the lords house, and of matters of judicature in the House of Commons; and it is to be known that the lords in their house have power of judicature, and the commons in their house have power of judicature, but the handling thereof, according to the worth and weight of the matter, would require a whole treatise of itself.' And therefore refers to the journals of the lords, and the book of the clerk of the House of Commons, which he says is a record, as is agreed by Mr Prynn to some purposes, and, as it is affirmed by act of parliament, *anno* 6 H. VIII. c. 16. And here he cites the case of Thomas Long, who gave the Mayor of Westbury four pounds to be elected burgess, and thereupon was elected: This matter was examined and adjudged in the House of Commons. *secundum legem et consuetudinem parliamenti*, and the mayor fined and imprisoned, and Long removed; for this corrupt dealing (says Lord Coke) was to poison the very fountain itself. 8 Eliz. *vid.* book of the House of Commons, 8 Eliz. Ounsloe speaker, fol. 19. 23 Eliz. *ibid.* fol. 14 *ibid.* Muncton struck William Johnson, a member of parliament: The House of Commons adjudged Muncton to the Tower, &c. See Rot. Parl. 8 H. VI. nu. 57. 2 *Aprilis*, 1 *Mariæ*. These cases are not opposed by my Lord Coke's great adversary Mr Prynn.

And by these few authorities (of which many more might be cited out of the old books and journals) it appears that the commons, who have a right of judicature in their own house, and are a branch of the supreme legislative authority, are not, either in point of right, reason, or decency, to be treated like a common informer, or like an attorney or solicitor-general. The nature of the case speaks so plain, and has been so fully set forth before, that to offer much more upon that subject seems to be altogether unnecessary.

All men have a right by the law of nature to defend themselves from injury and oppression, and till better forms of government were devised and appointed, offenders against the public were usually condemned by the general voice of the people.

The power of impeachments therefore in the commons seems to be an original inhe-

rent right in the people of England, reserved to them in the first institution of the government by the law of nature, and self-preservation, for the common security of their just rights and liberties.

And therefore, they cannot be defeated of that power without an encroachment upon that right which belongs to them by the law of nature and self-preservation, and thereby dissolving the fundamental and original institution of the English government: For an impeachment, (as the commons were pleased to declare upon another occasion) is virtually the voice of every particular subject of this kingdom crying out against an oppression, by which every member of that body is equally wounded. And it may prove a matter of ill consequence, that the universality of the people should at any time have occasion ministred and continued unto them, to be apprehensive of utmost danger from any branch of the legislative authority, from whom they of right expect assistance.

The judicature of the lords is indeed a wise and prudent institution in the established government to preserve a balance of power, and to be a skreen and back between the king and the people; but that power cannot reasonably be conceived to be lodged in the lords as an inherent right by the law of nature.

Whenever, therefore, a material dispute shall arise between the proprietors of an inherent right by the law of nature, and of a subsequent right by institution, concerning a matter that is absolutely necessary to support both, which of them ought to give place? or why is it not fair and equal for them to concur together and assist each other, for the general good of the king and kingdom?

This seems very plain and evident, that the concurrence of both houses to settle the preliminaries before-mentioned, does not destroy the right of judicature in the lords; but the contrary thereof, manifestly tends to make the right of impeachment in the commons precarious and ineffectual, at will and pleasure.

Whoever therefore argues for the concurrence of both houses to settle preliminaries, does not argue against the essential power and right of judicature in the lords, but rather to preserve the same by preserving the just balance of the constitution, which is essentially necessary for the safety of all.

But from hence it appears how unjust it is to censure any House of Commons for committing persons that are not members, either for an affront to the house, contempt of their orders, or for corruption and bribery in elections, when the same has been done, not only in all the parliaments since this revolution, whenever there was cause for it, but this power has been exercised and claimed as an undoubted right in the commons in all former reigns: and indeed is as absolutely necessary to support that part of the constitution of the government, as the same power is in the lords to support the other.

For to what purpose have they a power to send for persons, papers, and records, for the dispatch of public business, if they have not power to punish those that disobey their orders? Or to what end have they a power to give money for the service of the nation, if they have not likewise power to call those persons to an account, who defraud both the king and people, and apply the public treasure to their own or other corrupt uses?

And here the same maxim which is cited before comes in force again; that where a power is granted to any branch of the legislative authority, every thing is granted with it that is necessary to support that power, or else, in effect, no power is granted at all.

And for that reason neither the *habeas corpus* act, nor any other statute, is ever extended to destroy the privilege of either house of parliament, without express words in the act; and in this case a person committed cannot be continued in custody longer than that session of parliament, which is a small punishment for an open indignity to either house, or an offence that tends to destroy the constitution of parliament.

Upon the whole matter therefore, it appears, that the way to preserve the constitution of the English government is to preserve the right of judicature to the lords, and the right of impeachment to the commons, from interfering or clashing one with the other; and the best way to do that seems to be for the lords and commons to agree and settle preliminaries, and then the lords to appoint time and place, and to proceed to trial and judgment at the instance, and with the concurrence, of the commons.

The lords and commons have continued for many years in peace and union, assisting and supporting one another for the common good, and 'tis humbly hoped that the same methods by which that happy union has hitherto been preserved, will still be a means to perpetuate that happiness to this nation.

When any misunderstanding, therefore, has at any time happened between the two houses, the ancient and constant method of proceeding in parliament hath ever been to appeal to precedents, and when precedents were doubtful, then to the fountain and foundation of all precedents, and that is, to sound reason; and in order to that, both houses have agreed to conferences or committees, and thereby adjusted all difficulties.

But here we must observe a difference between facts and precedents. When either house hath actually passed a vote, or done a thing which never came to be considered by the other house, nor ever was debated and agreed to, at any conference, or otherwise betwixt the two houses, that is called a fact, but cannot be insisted on as a precedent to bind the other house. But when a matter comes in question betwixt the two houses, and is solemnly debated and considered, and afterwards agreed to by both houses, that is esteemed a precedent, and ought (with great submission) to be binding and conclusive to both houses, and no ancient precedents are usually cited against the latter, in which all the former precedents are supposed to have been conidered. For,

Either the ancient precedents are plain in the point, or they are doubtful; if they are plain, there is an end of the debate; if they are doubtful, then reason is to be the judge, and the matter being determined by the reason and judgment of both houses, the last determination of the case is an explanation of all the doubtful precedents, and they ought never to rise up in judgment against the same.

And such is the authority and sovereignty of reason in all cases, but especially in proceedings of parliament, where the public safety is more immediately concerned, that it not only explains, but in some cases over-rules, even the strongest precedents, as in the case of a high-steward before-mentioned. It was never known upon any impeachments and trials of peers, but that the king did always nominate and appoint a high-steward; the precedents in the journals of both houses were full and express on the point; and yet when it came to be considered and solemnly debated and argued from the nature of the constitution of the government, whether the office of high-steward was necessary to the House of Lords in trials of peers? it was carried in the negative, upon the very same reason in effect that the argument for the commons is now founded; because, if such an office were necessary, then the king might suspend or deny to name a high-steward, and thereby a power lodged in one of the branches of the legislative authority, that is, the power of judicature in parliament, upon impeachments, might be defeated.

But if reason upon a solemn debate in the House of Lords shall over-rule express precedents, to which both houses had consented in all former reigns, merely because upon farther enquiry it did appear, that thereby it was possible (though not probable) for the king to defeat the power entrusted with another branch of the legislative authority, as one of the supreme checks for the common safety: How much more shall the same reason over-rule any matters of fact in either house, that were never debated or brought to a final determination by both houses? If this argument be good for the lords against the king, why not for the commons against the lords?

But as to the appointing a committee of both houses to adjust preliminaries, the resolution in the case of the five popish lords seems to be a very express precedent for

the direction of both houses; for there the commons, to avoid all interruptions and delays in the proceedings against the lords impeached, and the inconveniences that might arise thereby, did propose at a conference, that a committee of both houses might be nominated, to consider of the most proper ways and methods of proceedings upon impeachments: The lords at first refused a free conference, but afterwards they were pleased to order that there shall be a free conference with the House of Commons, upon the late conference, concerning the forms and methods of proceedings to be had at the trial of the lords.

And the then lord president having given the lords an account of the said free conference, with the several debates *pro* and *con* on both sides,

Upon consideration thereof it was ordered, that a committee of the lords be appointed to meet with a committee of the commons, to consider of propositions and circumstances in reference to the trial of the said lords.

Now what can be a more express precedent than this, when, after several conferences and free conferences, the matter was at last so solemnly agreed to and settled? in which proceedings it cannot be denied, but that all the former doubtful precedents (which were not very numerous) were considered on both sides; and therefore ought never more to rise up in judgment against a precedent thus established. The like commission was appointed by both houses in the case of the Earl of Strafford.

And as the methods of adjusting preliminaries between the two houses, there seems to be no difference (in reason) between impeachments for high crimes and misdemeanors, and impeachments for high treason; for the lords and commons are equally concerned in both, and it is equally necessary for them to preserve their rights and methods of proceeding in one as well as in the other; and since the commons are allowed to concur in the greater case, why not in the lesser?

Whenever then the commons shall desire a committee of both houses for settling the necessary preliminaries on impeachments, and amongst other things, whether several lords accused of the same crimes shall sit as judges on each others trials for those crimes; they seem to be justified both by the said precedent, and by reason: for it is a fundamental maxim of reason and justice in all governments, that no man shall sit as a judge in his own case, and consequently shall not sit as judge to pass sentence, that the very fact of which he himself is accused is no crime or offence in law; for it is not said, that no man shall be judge on his own trial, to acquit or condemn himself, but no man shall be judge in his own case: But if the case of another be the very same as his own, and upon the same individual fact, then his judging in the case of the other is judging in the case of himself.

And here it may be observed, that whenever a debate hath happened concerning any preliminary of this consequence, and which relates to the method of proceedings upon all impeachments whatsoever, the commons have always refused to proceed to trial till the preliminaries were adjusted, lest the same should be thereby established as a precedent, to the subversion of justice, on all future impeachments.

Since the way then to reconcile any misunderstanding between the two houses, is by conferences and free conferences, which are essential to the proceedings of parliament, and the only means to preserve a good understanding between the two houses; and wherein, upon a fair debate, sound reason is to be the judge, it follows, that all the conferences are to be managed and carried on by the members of both houses, with all the decency and respect that is due from one branch of the legislative power to another, and with that prudence and moderation that is requisite and necessary to promote a union and right understanding between the two houses, for the common good of the king and kingdom.

Whenever then any managers of the lords or commons do transgress that rule, they have always been censured for it by their respective houses, according to the circumstances of the case, and the nature of the offence.

And it is to be observed, that in all free conferences, the managers do usually receive instructions from the respective houses for whom they are to manage; and if any manager exceed his instructions, he is like a soldier that goes out of his rank, or a general that exceeds his commission; he is to be blamed for it, though he has success: But in case this transgression is also attended with indecent and disrespectful language to either house, and instead of promoting a union (which is the end for which they meet) tends to widen the difference, the same hath always been adjudged an aggravation of the offence, and to deserve a greater punishment.

And in this case it is not only to be considered, whether the words spoken are true or not, for neither house has a power to try the other, guilty or not guilty? but whether the words were indecent, and did reflect to the honour and justice of either house: for in an action of *scandalum magnatum*, the party cannot justify the words although they were true; much less any words of scandal against either house of parliament.

When a free conference therefore is desired, in order to a committee of both houses, and a committee is desired in order to a fair trial, and a fair trial in order to determine by the judgment of all the House of Peers, whether the persons impeached are innocent or not, no particular manager of either house has an authority to determine that point, or censure either house for their proceedings. It is indeed possible, that persons impeached may be innocent, though either lords or commons think them guilty, and a fair trial will bring that matter to a fair determination; but for a manager of either house to exceed his instructions, and to assert at a free conference, that the lords or commons themselves think those persons innocent, whom the commons have impeached, or the lords condemned, seems to be not only a high indignity to that branch of the legislative authority, that is so treated, but a great abuse of the trust reposed in such manager.

But that I may state the case fairly, give me leave to suppose, that a manager of the House of Commons should be so indiscreet as to affirm at a free conference, that the lords themselves thought that person innocent that they had condemned; and that thereupon, the lords should send to the commons, to demand reparation for that indignity offered to the House of Peers. There is no doubt but the House of Commons have a right of judicature within their own house, and especially upon their own members; what would then be reasonable and proper for the House of Commons to do in that case? They might, indeed, admit the manager to put in an answer, in his own defence, by either denying or excusing the matter charged against him; but can it be imagined, that they would admit the said manager to justify such a charge against him, and to multiply affronts to the House of Peers, by giving reasons to prove, that the lords were guilty of so ill an action, and that they had not only condemned the innocent, but had done it wilfully, and were conscious of their own evil action? Can it be conceived, that they would suffer such a justification to be put in writing, and sent up to the House of Lords; alledging, that the lords did think those persons innocent whom they had condemned, because others that were in his opinion guilty of the same crimes, were not condemned also? To what end should such an answer and justification be sent to the lords, to reply and join issue upon it? How should that matter be tried? How were it possible to know what were the lords thoughts, or the reasons why the lords did not think others equally guilty, or had not yet thought fit to condemn them? Shall the commons pretend to try the House of Peers, guilty or not guilty? (and in this case, no other can have a right of judging, where their own member is concerned, but themselves;) or can either house try the other? No, certainly, the sole question upon this message to the commons would be, what were the words that were spoken? And then, whether they were decent and proper to be said at a free conference between the two houses, and pertinent to the matter in debate, and within the instruc-

tions of the house? And if they were, the House of Commons would endeavour to excuse their member to the lords; but if that would not be accepted, they would rather command a private member to assure their lordships, that he did not design to reflect on, or dishonour the House of Peers, but if he had unfortunately spoke any words that were in the least offensive, he humbly begged their lordships pardon, than suffer any misunderstanding between the two houses on that account, to the prejudice of the public affairs of the king and kingdom; and no subject of England is too big to make such a submission to any branch of the supreme authority.

But if upon consideration of the words they appeared to be indecent, and not proper to be said at a free conference, and that they were not within the instructions of the house, the commons would immediately pass such a censure and punishment upon that manager, as the nature of the offence did require; and it is to be hoped the lords will always observe the same respect to the representatives of all the commons of England.

And here it may be observed, that when several persons are concerned in the same fact, it does not therefore follow, that they are equally guilty; or, if they were, that because one is prosecuted, and the other not, that therefore all are thought innocent. Sometimes it is thought convenient to show mercy in the midst of justice, and to prosecute a few of the chief, and excuse the followers and dependants, *Ut penæ ad paucos, metus ad omnes preveniat.* Sometimes it is proper to save one in order to obtain evidence against another, and sometimes a circumstance alters the nature of the crime, as in the case of killing a man, that which is only man-slaughter or chance-medley in one, by the addition of malice prepense, is murder in another. And many other differences may happen to distinguish one case from another; therefore,

No private person is a proper judge in cases of this nature, nor ought, upon a free conference, to make any reflecting inferences upon the honour or justice of either lords or commons, from his own private apprehensions.

The commons have a discretionary power in all cases of this nature, and may think fit to begin with one person, who appears to them to be most criminal, and may respite the impeachment of another till they see the event of that proceeding. Or they may think fit to impeach one person for a multitude of crimes, and not to impeach another for a single crime; for they are the proper persons to judge, from the various circumstances of every case, what is prudent and fit to be done, in cases of impeachments, for the common safety of the king and the people; and no manager at a conference has any authority to censure, or reflect on the justice of their proceedings.

And thus, upon the whole matter, the nature and excellency of the government of England, by king, lords, and commons, may appear to all, and even to the meanest capacity. Here we may observe the wise provision made by our ancestors, for the common safety of the king and the people, that as no blame may be imputed to the king, so no wrong be done to the people.

Under this happy constitution of government, secured by a wise distribution of power, in the original frame and institution thereof, to all the three supreme branches of the legislative authority, as mutual securities for the common safety, and to assist each against the encroachments of the other, this nation has enjoyed peace, prosperity, and happiness for many generations: And it will be difficult to find an instance, in any age, that ever any troubles, or civil war, happened in England, but when some one branch of the supreme authority did unreasonably encroach upon the rights of the other.

The way then to preserve England, is to preserve the just balance of the constitution, and when any mistake or misapprehension happens between any of the branches of the supreme authority, to preserve those methods that are essential to the proceedings of parliament, and the only means to preserve a good understanding; and that is,

by humble petitions or addresses to the king, and by conferences, free conferences, and committees betwixt the two houses.

By these means, this nation has hitherto prospered, and the people enjoyed their rights and liberties, to the wonder or envy of all the world; and therefore we must be careful of admitting any innovations, or new doctrines, spread abroad by ignorant or seditious persons, to render this happy constitution void and of no effect.

The three branches of the supreme authority, are all entirely concerned in interest to promote the public good, and have an absolute supreme power of making such laws, and doing such things, as they in their great wisdoms and discretions shall conceive to be most advantageous and conducive to the welfare of the nation: And the particular powers lodged in every one of them, as mutual securities for the common safety, are not to be limited by any other authority besides their own; neither can they be accountable to any other power on earth, without confounding the government, and dissolving the constitution.

For since one person cannot dispose of the right of another unless he has authority from the other so to do; and since it was not possible to have a general meeting of the body of the people of England, to consult together for the interest of the nation, and to determine, by majority of voices, what was most prudent and safe to be done for the good of the whole (which is always to be preferred before the good of any particular part) it follows that it was absolutely necessary to chuse representatives from all parts of the kingdom, to whom the interest and grievances of every place and county might be fairly represented and debated together at one and the same time; and who (in concurrence with the king and the lords) after many serious and solemn debates, are best able to judge, and most proper to determine, by majority of voices, what is most advantageous and conducive to the general good of the king and kingdom.

It can never therefore be admitted as legal, or so much as is consistent with the interest and safety of England, for the freeholders of any particular place or county, to direct the proceedings of parliament, since the safety of the people entirely depends upon the result of the mutual debates and consultations of their representatives, that come from all the parts and corners of the kingdom; and who alone are able, by the assistance of one another, to understand the true state and condition of the nation.

It is true, that such is the great care and tenderness had for the safety of the people, that they may, in a decent and respectful manner, petition the king, lords, or commons, for relief or redress of any real grievance; but when ill-disposed persons abused the goodness of their governors, and, under pretence of public grievances, took upon them to direct the king, or the parliament, in matters of the highest importance relating to the welfare of the whole kingdom, whereby many disorders and calamities did arise to this nation, then at last a statute was made, in the 13th of King Charles II. Chap. 5. entitled,

An Act against Tumults and Disorders, on Pretence of preparing or presenting public Petitions, or other Addresses, to his Majesty, or the Parliament.

Whereas it hath been found by sad experience, that tumultuous and other disorderly soliciting, and procuring of hands by private persons to petitions, complaints, remonstrances and declarations, and other addresses to the king, or to both, or either houses of parliament, for alteration of matters established by law, redress of pretended grievances in church and state, or other public concernments, have been made use of, to serve the ends of factious and seditious persons gotten into power, to the violation of the public peace, and have been a great means of the late unhappy wars, confusions, and calamities in this nation.

This is the recital of that statute, by which some persons do claim a right to petition the king and parliament in any case whatsoever; but hereby it appears, what has been the effects of disorderly petitions in former times; and that such proceedings (even where lawful) ought not to be had without extraordinary occasion for it; for what has served the ends of factious and seditious persons in former times, may do so in this.

For preventing the like mischiefs for the future, be it enacted by the king's most excellent majesty, by and with the consent of the lords and commons assembled in parliament, and by the authority of the same, that no person or persons whatsoever shall, from and after the first of August, one thousand six hundred sixty and one, solicit, labour, or procure the getting of hands, or other consent of any persons above the number of twenty or more, to any petition, complaint, remonstrance, declaration, or other address to the king, or both, to either houses of parliament, for alteration of matters established by law in church or state, unless the matter thereof have been first consented unto, and ordered by three or more justices of the county, or by the major part of the grand jury of the county or division of the county where the same matter shall arise, at their public assizes, or general quarter sessions, or if arising in London, by the lord mayor, aldermen, and commons in common council assembled: And that no person or persons whatsoever shall repair to his majesty, or both or either of the houses of parliament, upon pretence of presenting, or delivering, any petition, complaint, remonstrance, or declaration, or other addresses, accompanied with excessive number of people, not at any one time with above the number of ten persons, upon pain of incurring a penalty not exceeding the sum of one hundred pounds in money, and three months imprisonment without bail or mainprize for every offence, which offence to be prosecuted at the court of King's Bench, or at the assizes, or general quarter sessions, within six months after the offence committed, and proved by two or more credible witnesses.

Provided always, that this act, or any thing therein contained, shall not be construed to extend to debar or hinder any person or persons, not exceeding the number of ten aforesaid, to present any public or private grievance or complaint, to any member or members of parliament after his election, and during the continuance of that parliament, or to the king's majesty, for any remedy to be thereupon had; nor to extend to any address whatsoever to his majesty, by all or any of the members of both or either houses of parliament, during the sitting of parliament, but that they may enjoy their freedom of access to his majesty, as heretofore hath been used.

By this statute it may be observed, That not only the number of persons is restrained, but the occasion also for which they may petition; which is, for the alteration of matters established in church or state, for want whereof some inconvenience doth arise to that county from which the petition shall be brought. For it is plain, by the express words and meaning of that statute, that the grievance, or matter of the petition, must arise in the same county as the petition itself. They may, indeed, petition the king for a parliament to redress their grievances; and they may petition that parliament to make one law that is advantageous, and repeal another that is prejudicial to the trade or interest of that county, but they have no power by this statute, nor by the constitution of the English government, to direct the parliament in the general proceedings concerning the whole kingdom; for the law declares, that a general consultation of all the wise representatives of parliament, is more for the safety of England, than the hasty advice of a number of petitioners of a private county, of a grand jury, or of a few justices of the peace, who seldom have a true state of the case represented to them.

But it is wisely provided by this statute, that in all cases where it is lawful and reasonable for a number of persons to petition for making or repealing a law, that even in that case, it should be done in a peaceable manner, and by the consent and order

of three or more justices, or by the majority of the grand jury; because they are generally persons of some note, and are answerable to the government for all illegal petitions that they consent to; and although the form of proceeding, by order of three or more justices, may in great measure excuse the petitioners from such illegal acts, as not doing the same in a tumultuous manner, yet it will not justify the justices or grand jury, who ought to understand the law (though not matters of state) and be well advised before they consent to petitions of that nature and consequence.

But admitting a petition to be made upon a lawful occasion, to redress a real grievance arising in that county, and to be made pursuant to the said statute, yet no subject can pretend to a right, under the pretence of a petition, to reflect on the honour and justice of the parliament, or to condemn and expose their proceedings.

The subject has an undoubted right to commence a suit in Westminster-Hall, to exhibit a bill in Chancery, or to petition the Lord Chancellor; but yet he has no right to affront any of the said courts; and if he should presume in such a petition to desire the Lord Chancellor to turn his plausible speeches into just and righteous decrees, I presume his lordship might legally commit him to the Fleet for such an indignity to the court.

For as we must take care to preserve the rights of particular subjects, so much more to preserve a due respect to all courts of justice, and especially to preserve the dignity of parliaments, and the rights of the representatives of all the commons of England; for whoever affronts the representatives of the people of England, affronts the people themselves; and, as much as in them lies, overturns the constitution of the government, appointed for the common safety of both king and people.

And here it may not be improper to observe, that it seems very prudent and requisite, that all the several branches of the supreme authority should at all times, and upon all occasions, support and assist each other, and not in the least countenance any sort of proceeding, that in any measure, or by any indirect means or insinuations whatsoever, tends to the dishonour or reproach of any one of them, lest that method that is taken at one time to dissolve a parliament, should be taken at another to deprive this nation of the happiness of the house of peers, or even of kingly government.

But as to the nature of the powers and proceedings of the lords and commons upon impeachments, the writer, notwithstanding any thing herein alledged, doth not pretend to assert, but argue; not to determine, but to submit to better judgment. He is (indeed) desirous either to convince, or be convinced; and therefore hath freely delivered his opinion in such terms as the nature of the matter seemed to him to require, in hopes that if his arguments have any weight in them, they may influence one side; and if none, that the answer to them may influence the other, in order to a right understanding and a happy union betwixt all.

It is no dishonour to a just judge to change his opinion, and a multitude of publick business may justly excuse all persons from a hasty resolution: and since it is the interest of all to live in peace and union, it is the interest of all to hear what can be fairly offered for that purpose.

As to the three branches of the supreme authority, he takes it for a maxim, that no blame or wrong is to be imputed to them, or any of them: but if any mistake happen, they will be pleased to hear the matter fairly debated, on all sides, in order to create a right understanding, which must be the desire of all, since they are all united by interest in the same common end, the publick good.

And as to any private persons that either have, or shall hereafter offend against our happy constitution of government, the writer can come up to any thing in favour of their persons, though not of their errors: it is the publick good he aims at, and the

preservation of that constitution, that is so valuable to this nation; and which he should think himself and his posterity unworthy to enjoy, if he should basely give up or betray the same, for any private respects or friendships on one side, or for any mean or servile fear on the other.

A Vindication of the Rights and Prerogatives of the Right Honourable the House of Lords; wherein a late Discourse, entitled a Vindication of the Rights of the Commons of England, is considered. 1701.

Beati Pacifici.

A reply to the Treatise of Sir Humphrey Mackworth, in which the rights of the House of Peers are maintained in opposition to those of the Commons.

Man, the perfection of the creation, was not only made a citizen or inhabitant of this world, but lord paramount over all creatures that have a being within the circle of the terrestrial globe; a dignity conferred upon him by the supreme Governor of heaven and earth, which extends not only over irrational creatures, but has constituted a superiority and authority to reside in some peculiar members of the creation, over others of the same species; lest all aspiring to an equality of power and privileges, should turn the world into a chaos of confusion.

Superiority and subordination are the ligaments of government; which, duly preserved in their natural and legal distances, will regulate affairs of state, by the sound principles of solid reason, mature deliberations, and profound judgment; whereas a parity of jurisdiction will totter the state, amuse the people with self-interested councils, wavering opinions, and make the well-being of a kingdom depend upon uncertain fate, and the capricios of unsteady fortune; which at length must necessarily plunge the state into an ocean of distractions, misery, and infelicity.

The conservation of a kingdom or state in peace, prosperity, and unity, and the knowledge of governing discreetly and regularly, to compass those blessed ends, are rays of favour and goodness issuing from a wise and almighty Essence:—

Est Deus in nobis, agitante calescimus illo;
Spiritus hic sacræ lumina mentis habet.

Which renders it more especially the duty of those that preside at the helm, to surmount the title of mere men, by endeavouring after such a measure of understanding, as flies a more sublime and nobler pitch, than humanity can otherwise attain to; for by this means, great men will not only surpass others of lesser quality, but will live after the dictates of those divine monitors in their bosoms, which ought to have the supremacy in all their cogitations and actions, viz. 'the steady belief of a Deity, and a conformity to the precepts of religion and the laws of reason.' These will ren-

der them truly wise, just, and courageous, and add a nobler distinguishing allay to their understandings, than others of equal title can boast of: who for want of these qualifications, are so deeply emerged in sense, as renders them unserviceable to their country, by a celebrated maxim, 'that those who slight the great concern of eternity, will little regard the temporal well-being of their country.' Such men, by indulging corrupted nature, and abdicating their reasons, *facie tantum homines sunt, non animo,* have only the external aspect of men, but are destitute of those noble and illustrious habits as qualify other men for government.

It is the English nobility of the forementioned character, that knowing themselves honourably born, of plentiful estates in their country, and that owe their original to virtue, that can never be suspected of ill intentions against their native soil, where their parents, relations, friends, and tenants reside, and must be possessed by their heirs and successors. And though they are tender of their rights and privileges, as the supreme court of judicature in England, from which there is no appeal, and are zealous in maintaining them, cannot, I say, without the greatest breach of duty and charity imaginable, be supposed to act against the valuable interest of England in general; but, on the contrary, are the pillars that support the nation's welfare and grandeur, and their estates in conjunction with others, that defend our coasts from the insults and depredations of our enemies.

These are the English nobles, which being adorned with their own virtues, as well as with those of their ancestors, merit esteem, preferment, trust, honour, and fame, above all others that would stand in competition with them, in the administration of public affairs; for they are armour of proof against all innovations, and whatever might reflect injuries upon our happy constitution of king, lords, and commons, either obliquely or directly,

> ——*Quod nec Jovis ira nec ignis,*
> *Nec poterit ferrum, nec edax abolere vetustas.*

And by their prudent consultations and resolutions are the Nestors and Ulysses, that secure their country against the repeated designs of our neighbours, that would be reputed Ajaxes and Achilles.

Their lordships have been also equally zealous in demanding and maintaining the rights of the people at home; as may be seen in all the traces of the Barons Wars, when our kings would have erected a despotic authority, and enslaved the people under the arbitrary power of the reigning monarchs, if they had not been brought to reason, by the opposition that was made against them by the lords, earls, and barons.

And it is no less observable in justice to the honourable House of Peers, that when a factious crew of republicans, that scandalously called themselves a House of Commons, confederated, by the exclusion of more worthy members, into a wicked and execrable design, of investing themselves with an absolute and arbitrary power, to the destruction of the monarchy, and enslaving their fellow-subjects, they could not accomplish their ends, till they had violently, and by armed force, hindered the House of Lords from sitting, and voted them dangerous and useless.

Again: The inconsiderable number of lords, that engaged in the design of promoting and carrying on a bloody and ruinous civil war in this kingdom, and the many that shewed their abhorrence of it, and zeal in settling the kingdom upon its ancient and venerable basis of king, lords, and commons, is a sufficient argument and an invincible evidence, that the right honourable the House of Lords, notwithstanding all their losses, and the provocations they had from the adverse party, were yet always firm and immoveable, in the preservation of the rights of the people and our legal constitution.

But since the design of this brief discourse is not to aggravate mistakes, create jea-

lousies, or widen breaches, but to pacify the unhappy differences between two of the branches of our legislative powers, from whose happy concord, mutual union, and amicable corrsepondence in the common interest of the kingdom, we only can expect a durable tranquillity, and, on the contrary, from whose unseasonable jars and disagreements, we must live under the dismal sense of approaching ruin; I shall summarily discourse the excellency of our constitution in general, and then proceed to the branches that compose the whole establishment, which has been as often as truly called, the glory and happiness of England, and the admiration or envy of all the world. Now,

To the end that rights being adjusted, either by convincing eager or ill-advised parties of their mistakes, or by persuading good men that have the same common interest of the necessity of suffering circumstantials and lighter matters to sleep at this juncture, and for their own and our preservation, to espouse affairs of the greatest consequence and importance: By which address, each constellation moving amicably in their proper stations, without reflecting unkind aspects upon one another, Heaven, in answer to the prayers and endeavours of all good men, may bless us with a salubrious air, a healthful and vigorous body politic, minds united in peace and concord, which will infallibly produce fair weather and a happy issue of parliamentary proceedings in England.

Those wise and courageous men that first reduced mankind into some kind of tolerable order, by associating and assembling them into cities, who before like savages ranged over woods, and dispersedly inhabited deserts, without the knowledge of government or laws, first obtained the title of kings; but some of them, in time, and by excess of power, degenerating into tyrants, produced commonwealths, and both by ill management, and straining their authorities, produced that maxim, That monarchy leaves men no liberty, and a commonwealth no quiet. But we in England have embraced the golden mean: our laws take away from the monarch the power of doing hurt, and yet leave him enough to govern and protect us; we take from the other the parity, the confusion, the animosity, and the licence, and yet reserve a due care of such a liberty as consists with men's allegiance.

Our government has much the stronger bias towards monarchy, which, when it falls into good hands, has so great an advantage above all other forms, that they look out of countenance when they are set in competition with it. Here our king and kingdom are (or ought to be) one creature, not to be separated in their politic capacity; his throne is supported by love as well as power; the laws of the kingdom when stedfastly adhered to, are the sparkling jewels that illustrate his crown, and he has as much dignity, superiority, and command, as a wise and good prince can desire to have. So happy is our constitution, that dominion and liberty are so well reconciled, that it gives the prince the glorious power of commanding freemen, and the subject the satisfaction of seeing the power so well lodged, that their liberties are secure.

In the early days of monarchy, kings seeing they were but single persons, as long-sighted and handed as they are said to be, soon found themselves unable to transact all the affairs of their kingdoms in their own persons; besides, being sometimes seduced from the conduct of reason and policy, by yielding to their own affections, they found themselves under a necessity of serving themselves by the assistance of other heads and hands, and therefore chose grave, sober, discreet, and virtuous persons, to help them to sustain the weight of government, and lessen their cares and troubles, by imparting their power into other hands. Thus Romulus, the first king of the Romans, chose a hundred senators to assist him in his government, who, out of respect to their grey heads, and great understandings, were called *patres*. Theopompus, King of Sparta, constituted the Ephori, and invested them with eminent authority. After the same manner acted Lycurgus, Solon, and Thucydides; and as nations multiplied in Europe, so

we find the Germans have their Diets, the Danes and Swedes their Riicks Dachs, the Spaniards their Cortes, the French have, or ought to have, their Assembly of the Three Estates, and we in England our Parliament, or, according to the old Norman French, 'An assembly where all the members should sincerely and discreetly *parle la ment*, freely speak their minds for the good of the kingdom in general.'

The institution of this illustrious assembly in England is as ancient as the Britons, who called their *commune concilium*, or parliament, *Hyfrythen*, because their laws were ordained in it. Under the government of the Saxons, who made themselves masters of the British nation, they had their *Wittena Gemots*, or parliaments, as now phrased, wherein they made laws, and managed the great affairs of the kingdom, according to the platform of their ancestors. I pass over the Danish government, because I cannot find there were any great mutations, either of the councils or laws of the English nation. William the First, though he got the imperial crown of England, and introduced several arbitrary laws, as new tenures, &c. yet was not England so entirely subdued, but that they made claims against the king himself, which they could not have done but by virtue of their ancient rights, which that king durst not utterly abolish. Under William the Second, the English obtained their ancient rights, by siding with him against the Normans. William being dead, Henry the First granted the English all their rights and privileges by charter. And though in those days all affairs were transacted by the king, and the *Magnates Angliæ*, Peers, yet it must be granted, that the commons have had a right to sit, and were convocated to parliaments, as an essential branch of them, in the most early days of our Saxon ancestors, though the records being destroyed by age, or ill purposes, the precise time of their first being summoned cannot be exactly computed.

It must also be remembered, that the *magnates*, or peers of the kingdom, had always a primacy of order and jurisdiction; and being, in right of their births and the laws of the land, invested with a judicial authority, from which court there is no appeal, have always in their proceedings, as a court of judicature, took care 'to preserve a right understanding between the king and the people, that no blame might be imputed to the king; who can do no wrong: Nor no injury be done to the people, who ought to suffer none.' Their lordships in these proceedings, act upon honour, are not bound up by oaths, are both judge and jury, uncontroulable; and therefore, with respect to the worthy Vindicator of the rights of the Commons, cannot be liable to the check of any other branch of the supreme authority; for their lordships act in these matters according to their own 'great judgments and discretions, from whose determinations there is no appeal.'

The House of Commons being a numerous body, the representatives of the people, and another great council within themselves, have the power of impeaching and prosecuting evil ministers, and other great offenders; 'and the lords never denied them the exercise of this power; but still have entirely reserved to themselves the power of judging whether the impeachments of the commons be well grounded, and whether, from the proof they make, the accused persons are guilty or not guilty of the charge, either in the whole or in part; and by their own authority, according to their great wisdoms, either acquit or condemn the persons accused.' Which, with submission, I think decides the controversy about preliminaries.

To keep the balance of power equal and in its due poize, that one branch of it may not encroach upon the other, there is a power lodged in the lords, to determine, in relation to their own privileges, whether the matter complained of be an encroachment or not; for the decisive power must be lodged somewhere; it cannot be in the complainants, for that would make them judges in their own cause; and therefore must reside in the House of Lords, who, as a court of judicature, may take notice of the minutest circumstance, as time, place, order, decency, encroachments, or innova-

tions, as tending to the common safety, by preventing parity in powers, disorder and confusion, which would otherwise extend *ad infinitum*, in debates *pro* and *con*, about the matter controverted between the two houses.

On the 14th of March, in the 18th of Elizabeth, the House of Lords disapproving the proceedings of the House of Commons in the Lord Sturton's bill, and among other things, 'That the House of Commons did not use that reverence to them as they ought to do,' which concerned the lords in point of honour, and being reported by the committee to the commons, Sir Anthony Mildmay, by commission from the commons, told the lords at the next conference, 'That they were very sorry that their lordships had conceived such an opinion of the house, as though they had forgot their duty to them;' praying their lordships to believe, that the House of Commons did not want consideration of the superiority of their estates, in respect of their honourable calling, which they did acknowledge with all humbleness; protesting that they would yield unto their lordships all dutiful reverence, so far as it was not prejudicial to the liberties of their house, which behoveth them to leave to their posterities, in the same freedom they have received them. By which submissive and modest answer the lords were satisfied, and the honour and rights of both houses amicably preserved; which method, if it were as strictly observed as by all good men it is earnestly desired, it would allay unnecessary heats, prevent animosities, and put an end to parties and factions, which, by endeavouring to divide the two houses, open a way to the French to accomplish their ends over us.

This course, I say, by creating a right understanding between the two houses, which is equally their own interests, as well as of the whole kingdom, would render the nation insuperable, and is worthy the most serious and pious considerations and resolutions of both houses, more especially in this juncture of affairs; for since both houses agree in the main, the public good, and seem to contend which of them shall most contribute to that blessed end, it must needs be nothing but mistakes and misapprehensions that keeps them at variance, or a bone thrown among them from the other side of the water, to inflame differences, who for many years have laid it down as a certain maxim among them, 'that England is a strong body, that can never be destroyed but by itself,' which, by an English interpretation, is by a division among the powers, that can only, under an Almighty Providence, secure us; and is now attempted by all the subtle, nefarious, and treacherous artifices of our domestic and foreign enemies.

To prescribe the methods for a reconciliation, between two such wise and judicious assemblies, otherwise than by our prayers to God and them to effect it, would be an unpardonable presumption in a man of my weak capacity, and therefore shall only beg leave to tell the world a short but very significant story.

Two great and good men having been set at difference, and forced upon law-suits, but by ill acquaintance and neighbours, to the prejudice of their estates and families; one of them taking a prudent neighbour with him, went to his antagonist, and proposed terms of agreement; the other as generously offered to stand to his award, and so they were immediately reconciled; upon which the latter said to the third person,—Am not I a good man in agreeing upon terms proposed by my adversary?—Yes, replied the indifferent person, you have shewed yourself a good man by such a generous condescension; but certainly he is the wisest and best man that first offered terms of accommodation. Stiffness enrages, but prudence dissolves angry mistakes.

January the 19th, in the parliament begun the 19th of Elizabeth, several members of the House of Commons were sent with a message to the lords, to receive satisfaction from them, touching an innovation lately begun, as it was said, in that house, *viz.* 'That an answer to a message from the commons was given by the Lord Keeper, sitting in his place, and all the lords keeping their places, and not going down to the bar, as usually was their custom.' Upon a long debate, it was resolved by the lords,

that it was the order and usage of the house, when any bills or messages are brought from the commons to the lords, the Lord Keeper and the rest of the lords are to rise from their places, and go down to the bar, to meet such as come from the commons, and in that place to receive their message and bills; but, on the contrary, when any answer was to be delivered in the name of the house, to such knights, citizens, and burgesses, as came from the House of Commons, the said knights, citizens, and burgesses, standing at the lower end of the house, without the bar, the Lord Keeper is to deliver the lords answer, sitting in his place, with his head covered, and all the lords keeping their places: And the Lord Archbishop, Lord Treasurer, Lord North, and Lord Buckhurst, who were seniors of that house, affirming this to be the ancient custom, the commons were satisfied.

This, you see, was a pure mistake in the commons, without any design of encroaching upon the privileges or custom of the House of Lords, who, they thought, made innovations upon them; but the mistake being rectified by the lords, they amicably dropt their pretensions: which will always have the same effect, where persons only propose and debate purely to receive satisfaction, and not to keep up a controversy, to humour a mal-contented faction, that have some private interests of their own to serve, which others, that unadvisedly run with the herd, are utter strangers to, and would desert them if they were privy to the secret.

The power of judicature belonging to the House of Lords is seen chiefly in their jurisdiction upon writs of error, and their judgment of offences, as well capital as not capital, which they give to any public mischief in the state. Of these judgments of such offences, many examples of former times are to be found in the records of parliament, but none more apposite to our present purpose, than that of Mr Thomas Thorpe, who was not only a member, but Speaker of the honourable House of Commons, whose case followeth.

Friday the 15th of February, in 31st Henry VI. it was opened and declared to the lords spiritual and temporal, who were then in the parliament-chamber, by the counsel of the Duke of York, that whereas Thomas Thorpe, on Monday the first day of August, came into the place of the Bishop of Durham, and then and there took away certain goods and cattle of the said duke's against his will and licence; the duke took his action by bill, in Michaelmas term last past, against the said Thomas, in the court of Exchequer; to which bill the said Thomas appeared, and was by a jury found guilty of the trespass, to the damage and cost of 1010 pounds, and was committed to the Fleet. Thereupon it was humbly prayed, on behalf of the duke, that since all this was done out of parliament time, that the said Thomas might not be released, by virtue of privilege of parliament, till the duke be satisfied his costs and damages.

The lords, unwilling to prejudice the liberties and privileges of the House of Commons, but desirous to administer justice according to law, enquired of the judges, whether the Speaker ought to be delivered from prison by virtue of his privilege or not? To which, after consultation, the chief justice, in the name of the rest, said, that they ought not to answer that question, because it was already determined in parliament, that the judges should not intermeddle in the privileges of parliament: However, by a writ of supersedeas of privilege of parliament, of which the high court of lords had only cognizance, he might be detained. Upon which it was judged by the lords spiritual and temporal, that the Speaker should remain in prison, his privilege notwithstanding. Whereupon, by the command of the lords, the House of Commons being now assembled, they were made acquainted with these proceedings, that they should elect another Speaker in the place of Mr Thorpe, with all godly haste and speed, that the matter for which the king called this parliament might have a good and effectual conclusion and end; to which the House of Commons agreed, and in his place chose Mr Thomas Carleton their Speaker, who was approved by the king.

This is a clear conviction of the unanimous agreement in ancient times, between the three branches of the supreme power, the body politic of the kingdom, without any unnecessary clamours or bickerings about particular privileges, which is but like one's limb jarring with the rest, which may procure the dissolution, never the strengthening of the whole. Here a subject complains of injury he was like to suffer by the privilege of a great commoner; the lords interpose by their judicial authority; the king confirms their judgment, by issuing out a new writ for the choice of a new Speaker; and the House of Commons affirm the proceedings of the other two branches, by complying with their orders. The good effect of which exemplary agreement, and the readiness also of the lords to comply with the commons in any thing tending to the public good, was also particularly conspicuous in the late act for abolishing those privileges of both houses of parliament; which, however reasonable at their first institution, came by degrees to be the scandal of those that enjoyed them, and the insupportable grievance of all others.

Common experience has too amply convinced the world, that great ministers of state, or, as the old word was, minions, did always poison the minds of kings with a despotical power, inherent in them as sovereign princes; *Quod principi placuit lex esto;* not for the honour or good of the crown, which can only be steady upon the monarch's brows, by a strict observation and conformity to the laws, but for their particular advantages in heaping up riches, or that they might reign themselves, and be sovereigns over their masters. To rectify these abuses, and punishing the offenders, who has been more vigilant than the House of Lords, even against their own members, when the notoriety and proof of the facts were as evident as the accusation importunate: Which shewing their justice in the executive part of their authority, as well as their judicial power in capital offences, I shall exhibit some examples of both.

And this I rather do, to shew the ancient methods of proceeding in cases of impeachment, and with how much ease and unanimity each house of parliament then preserved their own rights, without jarring about adjusting preliminaries, or flying into dangerous and unnatural heats, about such petty circumstances, as time, place, &c. to the defeating the great end of trying the issue; which is equally the interest and desires of both houses, and makes it worth a diligent inquisition, whether the obstructions they encounter do not originally proceed from such ill men out of doors, as wish well to neither king, lords, nor commons, but, to serve themselves, or some interest behind the curtain, would ruin the best constitution in the world.

Rotulo Parliamenti Anno 10. *R.* 2. *M.* 4. 5. In this parliament all the commons with one accord, and in one assembly, came before the king, prelates, and temporal lords, in the parliament-chamber, and there, by word of mouth, grievously complained against Michael de la Pool, Earl of Suffolk, late Chancellor of England, and put in articles of impeachment against him afterwards, importing, 'that he being chancellor, and by oath of office obliged to promote the king's interest,' which is the common good, 'without respect to his oath, or the king's great necessity, had purchased several lands of the king at under rates; neglected the great affairs of the kingdom; converted a subsidy to other uses than for which it was appropriated by the king, and lords of parliament,' with many other high crimes and misdemeanors, of which the commons demanded judgment of the House of Lords. In which I observe, that the commons had the privilege *accusare et petere judicium*, the king *assentire*, and the lords only did *judicare*; and therefore, by a natural consequence, it ought to be granted indisputably, 'that the lords having the sole power of judicature, have the same right in ordering all circumstantials conducing to that great end,' giving judgment; which I only offer argumentatively, not dogmatically; but submit, as in all other things, to better judgments.

That the judgment belongs only to the lords, appears 7 Henry IV. in the case of

the Earl of Northumberland, where, upon an endeavour to add others as judges in that high court, the lords made protestation, 'That the judgment belonged to them only.' Which is further confirmed by the protestation of the commons, 1 Henry VII. which excludes them. However, to shew there were early designs to encroach upon the authority of the lords by degrees, on Monday, November 3, the commons made a declaration to the king, that no record in parliament should be made against the commons, that they are or shall be parties to any judgment given, or hereafter to be given in parliament.

Unto which it was then answered by the Archbishop of Canterbury, by the king's command, 'That the commons are only petitioners, not demanders, and that the king and the lords have ever had, and of right ought to have, the judgment in parliament, in manner as the commons had declared, saving in statutes to be made, in granting subsidies and the like; though for what is done for the common profit of the realm, the king will have especially their advice and assent: and that this order should be held and kept at all times to come.'

This excludes the commons from right to judgment: but whereas it is said, that judgments in parliament belong only to the king and lords, that is to be understood only of the king's assent, as appears by the replication of the lords, in 2 Henry V. which was thus:

In the parliament at Leicester, 11 Henry V. Numb. 11. Thomas Earl of Salisbury petitioneth to reverse a judgment in parliament, against John Earl of Salisbury his father, 11 Henry IV. and one of the errors assigned was, 'that the judgment was not given by the king, but by the temporal lords only;' but the whole matter being legally debated, first by the king's council learned in the laws, and after that in full parliament, it was adjudged, that the king being always presumed to be in parliament, as the head of that illustrious body, the judgment was *bona et justa et legalia, et ea pro hujusmodi ex abundanti decreverunt et adjudicaverunt.*

Out of the last recited precedent of the 11 Henry V. may be observed, that the temporal lords, by the king's assent, may give judgment in capital crimes, and that the temporal lords are the sole judges; but in high crimes and misdemeanors, the lords spiritual and temporal are equal judges, and the king's assent is not necessary. And for this reason it was, as King Charles I. learnedly expressed it, 'that the lords were entrusted with a judicatory power, that they might be a skreen between the prince and the people, to assist each against the encroachments of the others, and by such judgments to perform that law which ought to be the rule of every branch of the supreme power.'

When the commons, in 10 R. II. impeached the lord chancellor, they were present at his answer; often replied and enforced his oath against him; but where the commons only complain, and do neither impeach the party by word of mouth in open house, nor in writing, nor demand to be present at the trial; in these cases it is in the election of the lords, whether the commons shall be present or not. Nay farther, as in instance of the superior power of the lords in impeachments and trials: In the case of Alice Peirce, in the 10 R. II. though the commons impeached her by word of mouth in the lords chamber, the lords, for reasons best known to themselves, and for which they were not accountable to any other real or pretended jurisdiction, deferred her trial till the commons were adjourned. By which it appears, that the time for trials for offenders is to be appointed by the House of Lords; and if to procrastinate the time, and create delays injurious to the honours and affairs of the persons impeached, it be objected, that the time or place is inconvenient for the prosecutors; with due respect to the ingenious Sir H. M. their lordships are the proper judges of the reasons given to delay justice, and if they think them insufficient may proceed to judgment: for as their sentence is irrevocable, so the methods their lordships prescribe, in order to do justice, are uncontroulable; for otherwise they cannot answer the end for which their powers were established; to do justice without delay or partiality.

Lionel Cranfield, Earl of Middlesex, who was made Lord Treasurer of England by King James I. was impeached of high crimes and misdemeanors, by the House of Commons of the 21st and 22d of that king. In which impeachment all things proceeded regularly between the prosecutors, the impeached, and the lords that were judges, till upon mature deliberations the cause was ripe for judgment; and then, as appears *ex Journali Domus procerum*, a message was sent from the lords to the commons, by Mr Serjeant Crew and Mr Attorney General, *viz.*

'That the lords are now ready to give judgment against the Lord Treasurer, if they with their speaker will come and demand the same.'

It was answered, 'they will attend presently.'

The lords being all in their robes, the Lord Treasurer was brought to the bar by the Gentleman Usher and the Serjeant at Arms; his lordship made low obeysance, and kneeled, till the Lord Keeper willed him to stand up.

The commons with their speaker came, and the serjeant attending the speaker presently put down his mace, and the speaker, in the name of the House of Commons, and of all the Commons of England, delivered himself to this effect:

'The knights, citizens, and burgesses, in this parliament assembled, heretofore transmitted to your lordships an impeachment of several offences, against the right honourable Lionel Earl of Middlesex, Lord High Treasurer of England, for bribery, extortion, oppressions, and other grievous misdemeanors committed by his lordship: and now the commons by me their speaker demand judgment against him for the same.'

The Lord Keeper answered, 'The high court of parliament doth adjudge, That Lionel Earl of Middlesex, now Lord Treasurer of England, shall lose all his offices that he holds in this kingdom, and shall be made for ever incapable of any office, place, or employment, in the state and commonwealth; that he shall be imprisoned in the Tower of London during the king's pleasure; that he shall pay to our sovereign lord the king the fine of 50,000*l.*; that he shall never sit more in parliament; and that he shall never come within the verge of the court.'

May 24, 1624, ordered, That the king's council draw a bill, and present it to the house, to make the lands of the Earl of Middlesex liable unto his debts, unto the fine to the king, unto accounts to the king hereafter, and to make restitution to such as he had wronged, as shall be allowed of by the house.

Here you see the great care that was taken for the common safety; the commons exercised their power of impeaching and prosecuting; the lords exercised their power of judicature; the people were relieved from intolerable oppression; those that were wronged had restitution made them, and the king was well rid of an evil minister, whose mismanagement reflected blame upon the king's conduct, and all this done without any kind of jarring between the two houses.

And yet the offender was very rich, had many friends at court, had an opportunity, by the great post he filled, to make a considerable interest every where; and from the caution that was given by the Lord Bacon, viz. 'That a parliament would come,' did not neglect to provide against a storm. He had great alliance, a numerous kindred, the king's ear, and assurance of his favour; notwithstanding all which we see no artifices employed to elude the law, no stumbling-blocks thrown in the way of justice, no unnecessary disputes raised about circumstantials, to delay or disappoint the trial; or if there were, the prudence and integrity both of prosecutors and judges, rendered all such attempts ineffectual, and at length made the offender's punishment proportionable to his crimes.

Now why all things run so smoothly and regularly, where, in all probability, a powerful opposition, or an artificial puzzling and perplexing the cause, corrupting evidences, and bribing those that would take them, was to be expected, may easily be collected from these considerations.

First, because the lords who were judges of the facts, were men of honour, justice, wisdom, and integrity, who would not be imposed upon by the subtle arts of a factious party; nor allured by any temptation to scandalize their own bearings by acting against the interest of their country, either in acquitting the nocent, or condemning the innocent, but, like the judge of all the world, would do right.

Secondly, because the House of Commons, who were impeachers and prosecutors, had nothing in view but redressing grievances in punishing an evil minister; they had no piques or revenges to serve; their aims were honest without any allay of self-interest, or by jostling him out of a fat employment to step into it themselves, which would be thought a more effectual method to accomplish that sinister end than that prescribed by the vindicator of the commons, viz. 'To resign their offices to purchase the satisfaction of being without one, and the honour of suffering for their country.'

Thirdly, they did not impeach the lord treasurer blindfold, upon uncertain report, or with insufficient matter, and after finding him innocent, studied by little arts and evasions to blind the world and drop the prosecution, but, looking upon him as a criminal offender, prosecuted vigorously, as people do that would be thought to be in earnest; for otherwise they had laid themselves under the vehement suspicion of acting weakly or wickedly; which would have been but very indifferent recommendations to a new election, when that parliament arrived to its period.

But if by corruption of men's morals, things should be carried directly contrary to the practice of our ancestors, and of right reason and justice; and that the right of impeachment in the commons should be extended to make the right of judicature in the lords (by shifts, evasions, and needless disputes,) impracticable as often as they please; then is the right of the subject utterly destroyed, they can have no remedy against an evil ministry, and all things must unavoidably run into confusion. To prevent which, our constitution has lodged a power in the lords to bound and limit all jurisdictions that are inferior to their own, that they may not interfere with theirs, to frustrate the end of their establishment; and this superiority must take place, by all the maxims of law and reason in the world; for where there are distinct powers in relation to the same end, there is a necessity, for order and justice sake, that the lesser power submit to the greater, or else unnecessary and trifling disputes might be perpetrated to the world's end: And it is this over-ruling or decisive power in the lords, that exalts them to such a high degree in the esteem of the people; because in all impeachments of the commons, the lords are to be their judges, who, by several examples in a few years last past, have preserved several persons and families from utter infamy and ruin, only by checking the fatal consequence of a heat began and continued with more passion than reason in another place.

A man prefers a bill of indictment against his neighbour in the court of King's Bench, for a misdemeanor, and requires he may give sufficient security to abide the judgment of that court, and then lets the matter sleep; he has served his end in scandalizing his neighbour, and will proceed no farther. The person indicted being conscious of his own innocency and the malice of his adversary, and withall finding this indictment tending to his disreputation and the loss of his trade, moves the judges, that in justice to him, and the honour of the court, he may be either tried or acquitted: which the court immediately, and in course, will make a rule for.

Now would it not look very oddly, that the prosecutor should assign for reasons to keep the indictment a foot, 'That he is full of business, and not at leisure to prosecute; or that the place and time appointed by the judges is inconvenient?' Can any man that has his reason about him, forbear to think but that the prosecutor knows the person he has accused is innocent, and only makes use of these shifts to keep himself from being exposed?

Can any man that is not qualified to believe transubstantiation offer such violence

to his reason, or reflect so much dishonour upon the court, as to imagine the court before whom the matter lies, and who are proper judges of it, and of all things relating to it, will admit this trifling with the court? No, but on the contrary, having allowed the prosecutor a reasonable time, and he not complying with it, will dismiss the indictment?

In answer to this, Sir Humphrey Mackworth is pleased to tell us, 'That the supreme court of parliament has a greater latitude than inferior courts, and is not tied up to such strict rules as they are:' And truly this evasion was all that learned, modest, and worthy gentleman had to say in that matter; for if he had waded farther, and been more particular in his answer to that objection, he might have eclipsed the reputation he had so justly merited in all sorts of learning, which he wisely foresaw, and therefore would not dwell upon so plain and equitable a comparison, which the meanest capacity might be a judge of.

I will not deny but that the high court of parliament has a more extensive jurisdiction, and is not tied up to the formalities and strict rules of inferior courts; but I know Sir Humphrey will grant me, 'that the highest courts in the world, nay of heaven, are circumscribed within the bounds of reason and justice, and that the higher the court of parliament is, the greater obligation lies upon it to proceed agreeably to those sacred principles;' because they are examples to inferior courts, who will be apt to take the liberty (while men are but men, and subject to failings) to copy after such ill precedents, if any should happen; and think themselves justified in wandering into bye paths, while they but imitate the examples of their superiors.

Thomas Cromwell, Earl of Essex, was attainted by parliament of high treason, and yet never called to answer Rot. Parl. 32 Hen. VIII. yet without questioning the authority of parliaments, or the validity of the attainder, it was said of the manner of proceeding, *Auferat oblivio, si potest; si non, utcunque silentiam tegat;* for the more high a court is, the more just and honourable it ought to be in proceeding, and to give example in inferior courts. And this I find was the opinion of all the judges in the case above-mentioned, though that arbitrary prince carried it against them. Coke's Instit. Vol. 3. Par. 4. pag. 37. Now, though I will not say that keeping men under impeachments for high crimes and misdemeanors, without bringing them to a trial, is equivalent to attainting men without hearing, yet the too long delaying trials after impeachments is of ill example; and to this I have the authority of a House of Lords.

The next thing I shall observe is, that the Vindicator, in taking notice of the duty of ministers of state, and that they often give ill advice to their sovereigns, falls very heavy by palpable, though not direct words upon the late Lord Chancellor, in justification of the charge against him by the House of Commons, and therein begins with the first article, 'That he, knowing the most apparent evil consequences, as well as injustice of the Treaty of Partition, did not, according to the duty of his place, and his oath of office, endeavour to obstruct it, but did advise his majesty to enter into the said treaty, &c.'

Now, since I am of no party but that of law and reason, I will not intermeddle with parliamentary affairs, or in the least concern myself with the transactions of that illustrious assembly, but only answer Sir Humphrey Mackworth, as to the reasonable part of things, and as a private gentleman, I take leave humbly to acquaint him, that nothing ought to be taken for granted to any man's disparagement or dishonour, till it be sufficiently proved; for if bare accusations rendered men guilty, the most innocent person in the world could not escape censure. 'Tis true the commons have impeached that noble lord, but impeachments are so far from being convictions, that they are no proofs. How often have the House of Commons in all ages been misinformed, and, proceeding upon accusations that others have informed falsely, have met with

severe reflections, as well as disappointments; besides, by the maxims of the antients, we are obliged to judge charitably of all men, till proof sets us right. Till which time there is much more reason to credit his lordship's negative than an approved affirmative, unless we knew the witnesses; for his lordship has averred,

That he was never acquainted with the Treaty of Partition, or the design of it, or any other matter relating to it, at any other time, nor in any other manner, before he was told it was concluded and signed. And in relation to other charges upon him on the same head, his lordship answers, That by his majesty's express command, he did send full powers under the broad seal of England, for negociating the said treaty, with blanks for his majesty's commissioners names; which he humbly conceives, and is advised, was a sufficient warrant for him to pass that commission, it being prepared in usual form of commissions of full powers with blanks for the commissioners names, according to his majesty's directions. And having also his majesty's command, that the said treaty should be kept secret, he did not communicate it to the rest of the lords justices, or his majesty's privy-council; which besides he conceived was necessary to be done, in regard his majesty had then by his commissioners perfected the said treaty, so that the same could not be altered. Which is a direct and plain answer, and relieves Sir H. M. from his astonishment.

That he did pass several grants to diverse persons of several lands belonging to his majesty in right of his crown of England; but saith, 'Before any of them came to the great seal, the same were regularly passed through the proper offices, and brought with them sufficient warrants for the great seal:' And conceives and is advised, that being required by his majesty by warrant to pass the same, he ought so to do: but denies that he ever advised, promoted, or procured any grant to be made to any person whatsoever, of any forfeited estate in Ireland, or did procure any act or bill prepared for confirming any such grant in the parliament of Ireland; but that what bills of this nature were remitted under the great seal of England, to be passed into laws in Ireland, the same were 'first approved and passed in the privy-council of England, and being so approved, were by order of council sent to him, who was by the said order required to affix the broad seal thereto.'

That he did, besides the profits and perquisites of his office, receive from the king an annual pension and allowance of four thousand pounds, being the like pension that had been allowed to several of his predecessors; but denies that he did beg, 'or use any means to procure any grant whatsoever from his majesty, for his own benefit, &c.' but that what he possesses in that kind, he received from his majesty's bounty; and he humbly conceives it was lawful for him to accept the same.

I have thus briefly mentioned his lordship's answer, to shew the world what little cause Sir Humphrey had to harangue against a person of his lordship's honour and integrity, while matters were only *pendente lite*, and nothing proved against him, though his lordship and the House of Lords have very earnestly desired it. If the Vindicator should object, that he named no person, I answer, he had better have done it; for every reader knows who he means, and without question, if he had named him, he would have thought himself obliged to have treated that noble peer with more respect than he hath done, by expatiating in generals, and amusing men with pretended crimes, where to this day there is nothing proved, and peradventure will never be attempted.

No sort of good men are offended with the House of Commons, in exercising their right of impeaching, that truth might come to light, and noisy clamours be either confirmed or silenced for ever; but no man of birth or education will commend or approve of a private gentleman's 'heaping frightful consequences upon an unconvicted man of quality, on naked suppositions and possibilities.' The matter has been before the proper judges, who have declared him not guilty; and after that it was unkindly done to raise new heats against him, by raking in embers where water ought to have been

thrown to have extinguished them for ever. I presume Sir Humphrey was no evidence against his lordship, and therefore as a commoner ought not to have been a judge: But things will for ever run in this channel, while too much zeal, or prejudice, forms the harangue, without consulting the understanding.

Further, in discoursing the security of the public, from the establishment and use of the king's councils, this worthy member is pleased, for the information of the ignorant world, to tell us, 'that the privy-council is called *Concilium Regis Privatum, et Concilium Regis Secretum;* that they are *Partes Corporis Regis;* that they are to keep secret the king's councils, and to advise the king in all things to the best of their skill, for the universal good of the king and his land; that it is an error to determine matters of the highest importance, without advising with any of the established councils; that the happiness and prosperity of England hath hitherto been preserved, by the constitution of the government,' and that 'tis a maxim in law, *Ignorantia juris non excusat.*

All wonderful discoveries, which he puts into italick, that they might not escape the reader's particular observation. It would be the highest ingratitude in the world to bury these superfine politick notions in the shades of oblivion, without owing the knowledge of them to the worthy Vindicator: And 'tis a thousand pities, while his hand was in, and the good-natured and learned fit was upon him, that he had not farther obliged his dear countrymen, by telling them 'that these privy-councellors, these great statesmen, did wear cloaths, and eat, and drink, and sleep, like the rest of the creation.'

In the next place the Vindicator proceeds to discourse the powers in the lords and commons upon impeachments, which is the only part that answers his title, and can be called a Vindication of the Rights of the Commons; for all the rest, nay and that too, is such a confused heap of extraneous interlocutary positions, maxims, and voluntary affected aberrations from his main design, (if there be any such thing as a design in his whole book) that it is impossible to trace in any kind of tolerable order or method, without running it into the same unpardonable fault that he is so manifestly guilty of in every page of his Vindication, I mean patching up a pamphlet with useless tautologies, unnecessary and continued repetitions of the same matter, and tedious long-winded digressions, enough to nauseate any reader, and transport an answer into harsh reflections, if the respect due to his person and quality did not more confine me within the rules of decency, than the merits of his Vindication. I will not say the gentleman is fond of his new notions, unless it be for their antiquity, that he repeats them so often; but this I dare affirm, that they are offensive to every indifferent reader: And therefore am of opinion, that the worthy member took this course, only for the interest of the bookseller, to swell into a volume, that the Grub-street printers might not pirate upon his copy, and sell his two-shilling book for a penny; for otherwise all that he has said in forty, might, with greater reputation to the author and satisfaction to the reader, have been comprehended in six pages; but lean subjects are always larded with words, to make them have the better *gusto.*

I agree with this gentleman, 'that 'tis the great security of the people and the government, that the judgment on impeachments is of right lodged in the lords, who have the power of impeaching also, if they please;' for I find that sometimes the commons have been defective in that affair, and that those defects have for the public good been supplied by the lords; as in that notorious case of Richard Lyons, merchant of London, who in the 50th year of Ed. III. numb. 15, 16, was impeached by the commons of several misdemeanors; as of defrauding the king and his liege people by covin made between him and some of the privy-council of the then king, for their own profit and advantage.

But the many extortions and villanies were set down by the commons in such general terms, that the offender took exceptions against the generality of the charge, and

the exceptions were allowed: However, the lords in their great wisdoms would not reject the impeachment, but supplied the defects thereof by granting commissions to make a particular enquiry into the matters so generally charged: And after the return of those commissions, by their single authority, without consulting the commons about the methods and formalities to be observed about his trial, sentenced the criminal to imprisonment, to make fine and ransom at the king's pleasure, to lose his freedom of the city of London, never to bear any office, nor approach the council, or the king's house, and that all his lands and tenements, goods and chattels, should be seized in the king's hands.

By which it is observable, the power of the lords in impeachments, as well as judicature, and that their adding weight to the commons impeachment, which was defective in law, the offender was brought to condign punishment.

I also accord with him in another paragraph, wherein he is pleased to say, 'that the rights of impeachment in the commons must not be construed to enable them to make the right of judicature in the lords impracticable when they please: Nor that the right of judicature in the lords should be extended so far as to enable the lords to make the rights of impeachment in the commons impracticable when they think fit; but that both the powers should admit such a limitation and construction, in the nature and exercise thereof, that they may consist together for the common good, and be able to attain the end for which they were established.'

Nothing can be more or better said towards obtaining a perfect reconciliation between both houses, the great thing that employs the good wishes of all honest and thoughtful men in the whole kingdom, than what Sir Humphrey has advanced in the preceding paragraph; though I cannot forbear observing, that he so twists both the powers together, that he seems to confound their distinct jurisdictions, by making their powers inseparable in every minute circumstance, as if the lords had not the superiority of determining, when any such disputes arose between them: which cannot be allowed him, for reasons that will be shewed anon.

Nor may I omit, that he also very artfully insinuates and promotes the belief of a prejudicate opinion, 'That the lords had a design to encroach upon or infringe the rights of the commons, in the matter of impeachments,' though it be directly contrary to their lordships express words; who, in their message to the commons on the 30th of May, 1701, are pleased to say, 'That they do not controvert what right the commons may have of impeaching in general terms, if they please.' These two veins running through the whole mine of his elaborate discourse, he smelts and refines them to his own advantage, to make it pass upon the credulous world, that the lords were aggressors in the disputes between them, by endeavouring to deprive the commons of the right of impeaching: Which I take to be a great error in his pen, or a defect in his memory, in not rightly stating the case before he suffered his will to commit it to public view and censure; as will appear by the following check upon that unkind reflection.

For what court of judicature in the world can shew such examples of moderation, and a prudent circumspection, in avoiding all occasions of offence, as their lordships have done in the whole course of their proceedings about impeachments; which I humbly beg leave to take a cursory view of, for the conviction of our worthy knight, and all others that either promote or are deluded into that erroneous opinion.

The commons having impeached four lords of parliament, and addressed his majesty to banish them from his councils and presence for ever, the lords also addressed his majesty, that he would be pleased not to pass any censure upon them, until they were tried upon the same impeachments, and judgment be given according to the usage of parliament, and the laws of the land; and which were in the right, according to the old maxim, that every man is presumed to be innocent, till he is legally convicted of a crime, I leave wiser heads than mine to determine.

The House of Commons having impeached four noble peers, on the 15th of April, 1701, and not having sent up articles against them all, on the 15th of May, 1701, their lordships thought themselves obliged to put them in mind, 'that as yet no particular articles have been exhibited against the lords, which, after impeachments have been so long depending, is due in justice to the persons concerned, and agreeable to the methods of parliament in such cases.' What could be more justly, modestly, and affectionately expressed, in relation to the accused and the accusers? It was only putting them in mind. The same message was sent by the House of Lords to the House of Commons, on behalf of two lords against whom no articles were exhibited on the 20th of May following; and an answer fully as modest and reasonable was returned to the first, by the commons to the lords, on Monday the 19th of May, 1701, 'That articles were preparing, and in a short time the house would send them up.' Here was no sign of a disagreement between the two houses, nor would it ever have happened if the kindled coals without doors had not blown up sparks, that would have died of themselves, into unnecessary heats.

These were the first steps used between the houses, in which there is not one word that tends towards the lords encroachment upon the rights of the commons in impeachments, or of the commons suspecting the lords had any such design; and therefore I cannot but admire, that the Vindicator should take so much pains to insinuate it; for that must be the meaning of his suggesting a power might arise in the lords, to defeat the right of the commons in impeachments, and his dreading the right of levying money might be defeated also; or else all the discourse on that head signifies nothing.

But the Vindicator's uncouth and fallacious way of arguing in generals, wherein he sees every body, and nobody sees him, and directly points at men and things to their reproach, and yet cannot be charged with it, while he wilders himself and his reader in generals, he thinks will bring himself off from the suspicion of reflecting upon the lords; and therefore has already provided himself an asylum which he has recourse to, for shelter, almost in every page; and though he treats of transactions now on foot, and of persons under a present denomination, yet must, he thinks, be excused, because he says, 'he is not arguing what any House of Lords will do, but what they may do hereafter.' So when he is pleased to give a slanting blow against the king's prerogative, he must forsooth be understood, by way of prevention, that 'tis not meant against his present majesty, but against bad kings that may come hereafter. I confess this is a subtle and secure way of talking, but whether it is decent and becoming the character of a true English gentleman, to do the nation a present mischief, by keeping up feuds and animosities, in order to prevent dangers in futurity, I leave to his most serious consideration.

Not that I would be thought to derogate from the honour and integrity of Sir Humphrey Mackworth, by any thing I have said on this particular; but, with due submission, to enquire of him, whether this be the way to effect a reconciliation, by making gaps for the entrance of new heats? Whether this be a time to mince atoms, and split hairs, to raise fears and jealousies about encroachments, and to coin nice distinction to divide a kingdom, while our enemies are watching for that advantage to destroy it? Certainly, as the affairs of England are now circumstantiated, it stands more in need of emollients than corrosives; of a grave, not a throne for quarrels; of good men to compose our differences, and not of stiff men, that, insisting upon niceties and punctilios, obstruct the process of such weighty affairs, as tend to preserve our nation and religion from the jaws that are gaping to devour them; who clap their hands at our diversions, and cry, so, so would we have it.

Next, after wasting ten paragraphs about writs of error, impeachments, at the king's suit, and trials out of parliament, which are all long since handled by Selden and Pettyt, from whom he has transcribed his notions, the Vindicator comes to intimate,

for he says nothing directly, that in order to the trials of the impeached lords, no day ought to be appointed by their lordships for the trials, without some previous signification from the commons to their lordships of their being ready to proceed; for appointing a time for the bringing in the articles of impeachment, and of time and place for trial, is not necessarily implied in the power of judicature, or inseparably annexed to it, but is a collateral power, which may or may not belong solely to the judge, as the nature of the case does require.

This assertion of Sir Humphrey's destroys itself by its own uncertainty, as well as for other reasons; for after he has positively denied the lords have the power of appointing time and place for trials, he says, 'tis a collateral power, and it either may or may not solely belong to them; but tells us not, as he ought to have done, in order to gain his points, in what cases they may, and in what cases they may not, exercise that authority, nor indeed could he, for his own quoted law and reason is irresistibly against his pretension.——*Quando lex aliquid concedit, concedere videtur et id, sine quo res ipsa non potest.* When law, when sound reason, when the constitution of a government, gives a right or power to one branch of the legislative authority, to judge and determine in the highest and most material part, in relation to trials on impeachment, it gives every thing necessary to support that power, or the great end, which is giving judgment, may be defeated. Besides it would confound all judicial proceedings, and the people could never obtain their rights, if every court of justice had not an uncontroulable power to order and direct the circumstances and matters of form, that can have no influence to the prejudice of justice, after such a manner, and at such a time, as they shall judge fit, and where the same are not settled by a positive rule; for otherwise nothing could ensue but endless disputes, unnecessary competitions, confusion, and every evil work. Every inferior court has such a jurisdiction, and it would be the greatest absurdity in the world, to affirm, that the supreme court of judicature in England (from which there is no appeal) has it not. But,

To confirm his private opinion against these known and till now uncontroverted maxims of law and reason, the Vindicator falls again to supposing (the only shelter and topick to amuse, where proof is wanting,) and at such a rate too as could never have been expected in print, from a man of Sir Humphrey's parts and probity; for he says, 'if the lords upon all impeachments have an absolute power belonging to their judicature, of appointing time and place for trial of an impeachment, and may proceed both to trial and judgment, without any regard to the commons, whether they are ready and do concur or not: Have not the lords then a power to make the right of impeachment in the commons impracticable when they think fit? May not the lords either appoint a time so short that the commons cannot possibly be ready; or a time so long that justice shall never be done? and may not the place appointed be so distant, or so very inconvenient to the commons, that they shall not be able to attend the prosecution of the said trial with effect?'

'May it not be supposed to be possible, that the lords may appoint the next day to bring in articles? May they not appoint the following day for the trial to be had at Truro in Cornwall, where neither the commons nor the witnesses can attend? or else the lords may appoint the trial to be had twenty or forty years after, by which time all the prosecutors and witnesses may be in their graves, and the nation undone by an evil ministry. All this is possible to be done, though not probable: but a wise constitution of government provides even against possibilities as far as may be, where the common safety is at stake.'

Omitting all pleasantry and ridicule, that some men would employ upon these repeated provocations, I beg Sir Humphrey's licence to acquaint him, that suppositions not grounded upon ill and foolish things done already, which might warrant a man to suppose that worse and more ridiculous things would follow, are direct and egregious

scandals upon the honours and integrity of noblemen that never gave occasion for them: and to argue from possibilities to facts, without any probability of their happening, deserves a more severe return than I am willing to give, though when one considers that they are offered against the noble lords in parliament, it is a great mortification to one, that admires their moderations, sagacities, and justice, to forbear it. What one step have the House of Lords made to give colour for these extravagant surmises? In what one instance have they neglected the care and safety of their country? but it may be, this is Sir Humphrey Mackworth's way of asserting and maintaining the just rights and judicature of their lordships, by supposing improbabilities; and then I hope he will give me leave to remind him, that if he has not varied from his intentions, he has sufficiently wandered from the rules of decency in the execution.

There is but one thing in his whole bundle of suppositions that deserves an answer, and that is, that it was possible the lords might appoint a time for the trials, before the commons were prepared to prosecute, which the lords, not being privy to the commons transactions in that affair, might do unawares, though I am very confident, if the commons had assigned that as a reason of their delay, their lordships would have given them satisfaction in it; for, by any thing that appears in their whole management of that affair, their lordships never intended to surprise the commons.

And indeed with what shew of reason can they be suspected to have any such design? Are not their lordships as much concerned that the nation should not be wronged as the commons are? Did they not defer the trials from day to day that the commons might be ready? Did not their lordships give the commons notice of their resolutions to try the impeached lords? And did they not repeat those notices, and desire the commons to appear at the trials, till the commons had made it impossible to send them any more messages, by adjourning their house? Now he that consults the journals of either house, will find, in my weak opinion, that the time appointed by the lords was not so short but that the commons might have been ready, or at least have given their lordships their reasons why they could not: Nor so long as twenty or forty years to carry the dispute into the other world. The place was Westminster-Hall, which is somewhat nearer the House of Commons than Truro in Cornwall.

Does the Vindicator believe the common safety lies at stake at this juncture, then certainly it is the common interest now more than ever not to entertain disputes about powers when we are in danger of losing them all, but to employ their utmost abilities to accommodate differences between the two houses of parliament, which are the sinews, nerves, and soul of the kingdom, and endeavour to procure that happy union in their councils and affections, that his majesty has often told them will contribute to our safety at home, and our being considerable abroad.

No man in his right mind can believe but that all the endeavours of both houses of parliament in the main, are to promote the public good; their unanimous concurrence in all acts of this session to that purpose, are undeniable proofs of it, and therefore setting them at variance, or keeping up feuds between them on any pretence whatsoever, is laying the axe to the root of the constitution, which should be every man's care to preserve. Forms in proceedings are but the necessary attendants on power, but peace and unity between the two houses are essential requisites to our well-being, are to be preferred before all other things in the world. Ceremonials may be omitted, circumstantials may be laid aside, and disputes, though necessary in their kind, may be adjourned to other times, without prejudice to the kingdom; and therefore ought to give way and not disturb the peace of the kingdom; and how it would become every wise head to labour in this affair, I leave to Sir Humphrey's more sedate humour.

To uphold his cause, the Vindicator further advanceth, 'that when a debate shall at any time arise between the two houses, that concerns the right of all impeachments whatsoever, and consequently the common safety of the king and people, then the

commons ought not to proceed to trial till that matter be first determined, notwithstanding they have plain and positive proof against the person impeached, or that he had actually confessed many of the articles of impeachment, which alone were sufficient to found a judgment against him; for otherwise it may so happen that the whole justice of the nation may be obstructed and defeated by proceedings of the like nature. This was the resolutions of the commons in the case of the five popish lords, whom no person can think they were unwilling to bring to a trial, or that they made use of such pretences only to cover an affected delay in the prosecution.'

Here the Vindicator runs again into this old mistake, and would persuade the nation, 'that the differences between the two houses was about the right of impeachments,' which, as has been said before, the lords never controverted, and therefore it looks like an ill design in the Vindicator to promote the belief of that story by his often repeating it.

The difference is about the right of appointing time and place, and of a committee to settle preliminaries in order to a trial, but he thought these circumstances were too inconsiderable things to differ about, and therefore lays it upon something that would make a greater noise, viz. the right of impeaching.

Well then, since Sir Humphrey has allowed, in several places of his Vindication, that appointing time and place are but circumstances, and not essentially, though formally, necessary to the great end, giving judgment, it is not strange he should assert that 'the commons ought not to proceed to judgment till that matter be first determined.' So that if the nation be abused, cheated, and reduced to the last extremity by the avarice, corruption, and mismanagement of evil ministers, yet the right of the commons in impeachments shall be defeated, the judicial power of the lords disappointed, and criminals escape with impunity, and all upon the nicety of adjusting preliminaries; but whether such a resolution can compensate the ill consequences of it, or whether this fine show of the Vindicator's be worth the candle, *coram judice lis est.*

As to a committee of both houses to settle the preliminaries, their lordships could not agree to it, because they could not find that ever such a committee was appointed on occasion of impeachments for misdemeanors, and therefore thought themselves obliged to be cautious in admitting any thing new in matters relating to their lordships judicature. For though such a committee was agreed to upon the impeachment of the Earl of Danby and the five popish lords for high-treason, yet Sir Humphrey has little reason to insist upon that precedent; for that was in a case of high-treason, not misdemeanors; and after much time spent at that committee, the disputes were so far from being adjusted, that they only occasioned an abrupt conclusion of a session of parliament.

Now, for a full and conclusive answer to all the rest of Sir Humphrey's allegations in his Vindication, let him be pleased to read the message sent to the House of Commons from the House of Lords; and if he will not receive his satisfaction from that, I will not pretend to give him one.

The lords, in answer to the message of the House of Commons of the 17th instant, say, the only true way of determining which of the houses has acted with the greatest sincerity, in order to bring the impeached lords to their trials, is to look back upon the respective proceedings.

The lords do not well understand what the commons mean by that resentment which hey speak of in their message. Their lordships own the House of Commons have a right of impeaching: And the lords have the undoubted power of doing justice upon those impeachments, by bringing them to trial, and condemning or acquitting the parties in a reasonable time. This power is derived to them from their ancestors, which they will not suffer to be wrested from them by any pretences whatsoever.

Their lordships cannot but wonder that the commons should not have proposed a committee of both houses much sooner, if they thought it so necessary for the bring-

ing on of the trials; no mention being made of such a committee from the first of April to the sixth of June, although during that interval their delays were frequently complained of by the House of Lords.

The manner in which the commons demand the committee, the lords look upon as a direct invading their judicature, and therefore, as there never was a committee of both houses yielded to by the lords in case of any impeachment for high crimes and misdemeanors, so their lordships do insist, that they will make no new precedent upon this occasion. Many impeachments for misdemeanors have in all times been determined without such a committee: And if now the commons think fit, by any unprecedented demand, to form an excuse for not prosecuting their impeachments, it is demonstrable where the obstruction lies.

As to the preliminaries which the commons mention in particular, as proper to be settled at such a committee, they have received the resolutions of the House of Lords therein, by their message of the 12th instant; from which (being matters entirely belonging to their judicatory) their lordships cannot depart.

As to the last pretence the commons would make for the delaying of the trials, from some expressions which fell from the Lord Haversham at the free conference, at which offence was taken, their lordships will only observe, that they have omitted nothing which might give the commons reasonable satisfaction of their purpose to do them justice in that matter, so far as is consistent with doing justice to that lord, and also to preserve a good correspondence with them; as appears by the several steps they have taken.

Secondly, That this business has no relation to the trials of the impeached lords; and therefore their lordships cannot imagine why the commons should make satisfaction and reparation against the Lord Haversham a necessary condition for their going on with the trials, and at the same time find no difficulty in proceeding on other business. And now, if Sir Humphrey in his replication will or can make a direct answer to these reasons in vindication of the proceedings of the lords, *erit mihi magnus Apollo.*

To conclude, the Vindicator says, and all good subjects of England agree to it, that 'tis the interest of all to live in peace and union; to which I beg his leave to subjoin, that woeful experience has taught us that nothing ever succeeded well in this nation, when there was any clashing or unhappy difference, either, 1. Between the king and both houses of parliament; for that has several times been the occasion of bloody wars in England, and has ever run even the whole kingdom upon the brink of ruin. 2dly, When there was no good correspondence between the lords and the commons; as in the example of the kingdom of Denmark, which, in four days time, by thinking to abate the power of the lords, changed from an aristocracy to an absolute monarchy, and where the commons have since experienced, that the little finger of an absolute prince is heavier than the loins of many nobles. 3dly, When the commons were at variance among themselves; for that is dividing a house against itself in the literal sense, which cannot long subsist under such dangerous symptoms of approaching ruin: from all which ominous presages of mischiefs to a nation, Good Lord deliver us.

A true Account of the Proceedings relating to the Charge of the House of Commons against John Lord Haversham.

In the course of a free conference between the Houses of Peers and Commons upon the subject of impeachment of the seven Lords, Lord Haversham expressed himself in such warm language, as gave great offence to the lower house. The proceedings in this affair are recorded in the following Tract.

"Sir John Thompson, Bart. was created Lord Haversham, in the county of Buckingham, in 1696, by William III. He was son of Mr Maurice Thompson, who had collected 31,000*l.* by leave of the state, for the distressed Protestants in Ireland, after the massacre, for which the parliament voted him thanks. This nobleman distinguished himself when a commoner by his daring speeches: he voted for the Exclusion Bill, and did the same for the Revolution: Removed into the House of Lords, he was the only one who opposed the Union, which he compared to the toes of Nebuchadnezzar's idol, which were made of iron and clay; 'they may cleave together,' said he, 'but they can never incorporate.' His intemperate language had nearly involved the two houses of parliament in quarrels, and the commons even threatened to prosecute him as an incendiary. It is well known he was a republican in politics, and a dissenter in religion; yet he often associated with the most violent tories and high-church-men. His lordship died Nov. 1, 1710, and was buried on the 13th, in Richmond church, Surrey, having had by Frances, daughter of Arthur Earl of Anglesey, widow of Francis Wyndham, Esq. Maurice his successor, in whom the title became extinct in 1744; George, who also died s. p. and eight daughters, all of whom married. John Lord Haversham moved for Queen Anne's inviting over the heir-presumptive, the Princess Sophia. He is given as one of the Noble Authors by Lord Orford."—Noble, II. 58.

The thirteenth of June, 1701. By order of the House of Commons, Sir Christopher Musgrave brought up the charge against John Lord Haversham to the House of Peers, in the manner following.

The commons, desiring to keep up a good correspondence with their lordships, do think it necessary to acquaint your lordships with what has happened at the free conference.

One thing there is, though I cannot speak to it, because I am bound up by the orders of the house, yet it must have some answer; that is, as to the lords voting in their own case, it required an answer, though I cannot go into the debate of it. The commons themselves have made this precedent: for in these impeachments, they have allowed men guilty of the same crimes, to vote in their own house; and therefore we have not made any distinction in our house that some should vote and some not. The lords have so high an opinion of the justice of the House of Commons, that they hope justice shall never be made use of as a mask for any design; and therefore give me leave to say (though I am not to argue it) 'tis a plain demonstration, that the commons think these lords innocent, and I think the proposition is undeniable: for there are several lords in the same crimes, in the same facts, there is no distinction. And the commons leave some of these men at the head of affairs, near the king's person, to do any mischief, if their persons were inclined to do it, and impeach others when they

are both alike guilty, and concerned in the same facts. This is a thing I was in hopes I should never have heard asserted, when the beginning of it was from the House of Commons.

Resolved,

That John Lord Haversham be charged before the lords, for the words spoken by the said lord, this day at the free conference: and that the lords be desired to proceed in justice against the Lord Haversham; and to inflict such punishment upon the said lord, as so high an offence against the House of Commons doth deserve.

16th *June*, 1701.

A message was sent to the House of Commons by Sir John Franklin and Sir Richard Holford, to acquaint them, that in order to keep a good correspondence between the two houses, to put the charge against John Lord Haversham in a court of justice, have ordered (at his lordship's motion) his lordship a copy of the charge against him; and that he do put in his answer thereunto, in order to bring that matter to a speedy judgment.

The Answer of John Lord Haversham, to the Charge exhibited against him by the Commons, for Words spoken at a free Conference, on the Day of

The said Lord Haversham saving to himself all advantages of exception to the said charge, and of not being prejudiced by any want of form in this his answer, and also saving to himself all rights and privileges belonging to him, as one of the peers of this realm, for answer to the said charge, saith,

That on the sixth day of June, 1701, the commons, by a message sent to the lords, desired a conference, upon their message to the commons of the fourth of June; in which conference they proposed to the lords, that a committee of both houses might be nominated, to consider of the most proper ways and methods of proceeding on the impeachments of the lords, according to the usage of parliament. That on the tenth of June the lords desired another conference with the commons, in which they delivered them their reasons why they could not agree to the appointing of such committee, (viz) 1st, That they could not find, that ever such a committee was appointed on occasion of impeachments for misdemeanors, and their obligation to be cautious, in admitting any thing new in matters relating to judicature. 2dly, That although a committee of this nature was agreed to, upon the impeachments of the Earl of Danby, and the five popish lords, for high treason, yet the success in that instance was not such as should encourage the pursuing the same method, though in the like case: And that, after much time spent at that committee, the disputes were so far from being there adjusted, that they occasioned the abrupt conclusion of a session of parliament. 3dly, That the method of proceedings on impeachments for misdemeanors are so well settled by the usage of parliament, that no difficulties were likely to happen, nor none had been stated to them: And that all the preliminaries, in the case of Stephen Goudett, and others (which was the last instance of impeachments for misdemeanors) were easily settled and agreed to, without any such committee. 4thly, That the proposal of the commons came so very late, that no other fruit could be expected of such a committee, but the preventing of the trials during this session. Whereupon the commons on the 12th of June, desired of the lords a free conference on the subject matter of the last conference.

That the lords on the said 12th of June, came to two resolutions in relation to the lords impeached. 1st, That no lord of parliament, impeached of high crimes and misdemeanors, and coming to his trial, shall, upon his trial, be without the bar. 2dly, That no lord of parliament, impeached of high crimes and misdemeanors, can be pre-

cluded from voting on any occasion, except in his own trial. And by messengers of their own, the lords acquainted the commons with the said two resolutions: And also, that they agreed to a free conference with the commons, and appointed the next day.

That upon the 13th of June, Mr Harcourt, one of the managers, began the free conference on the part of the commons, and argued upon the four reasons given by the lords, why they could not agree to the appointing a committee of both houses; and principally relied upon the instance in the case of the popish lords: And insisted upon the delay, that the not agreeing to the nomination of such a committee would necessarily occasion, whereby the lords trials, and the justice due to the nation, would be retarded. And departing from the subject matter of the said conference (which was, whether it were requisite to appoint or not appoint such a committee) the said manager discoursed upon the latter of the two resolutions of the lords, communicated to the commons: And said, that he wished the lords had sent down their reasons as well as their resolutions; which words seemed to the said Lord Haversham, to carry an implication, as if the said resolution could have no reason to justify it.

That Sir Bartholomew Shore, another manager for the commons, observed the same methods of discourse; and having argued upon the lords reasons, departed from the subject-matter of the free conference, and, inveighing against the manner of the lords judicature, asserted by their resolution, said, that it was abhorrent to justice.

Which expressions being foreign (as the said Lord Haversham apprehended) to the subject-matter of the free conference, which was, whether such committee of both houses should be appointed or not, the said lord being appointed by the lords for one of the managers of the said free conference on their behalf, in vindication of the honour and justice of the House of Peers, and of their judicature and resolutions. In answer to what had been said by the managers for the commons, he spoke to the effect following:

Gentlemen,

I shall begin what I have to say, as that worthy member who opened this conference, that there is nothing the lords more desire, than to keep a good correspondence, which is so necessary to the safety of the nation, and the dispatch of public business; and nothing they have more carefully avoided, than what might create a misunderstanding between the two houses. A greater instance of which could not be given, than the messages my lords returned to some the commons had sent them up: in which they took care to express themselves so cautiously, that no heat might arise from any expression of theirs: And as to what the worthy members mentioned in relation to delay, the repeated remembrances sent the commons, with relation to the sending up the articles against the impeached lords, are a sufficient instance how desirous they are that these matters should proceed: And the lords have this satisfaction, that it is not on their part, that the trials are not in greater forwardness. They cannot but look upon it as a great hardship, that any should lie under long delays on impeachments; persons may be incapable, facts may be forgotten, evidences may be laid out of the way, witnesses may die, and many the like accidents may happen. The instance the worthy members gave of the popish lords, as it is a crime of another nature, and not fully to the point, so it seems to make against what it was brought for; for the worthy members say, there was but one of the lords brought to justice, though four more (as I take it) were accused: And can any man believe, that the commons have a mind to bring only one of these lords to trial? it is inconsistent with the opinion that every body must have of their justice. And as to the point of judicature, it were very hard upon the lords, that no person should be brought to trial till the judicature of the house be so first. The judicature of the lords is their peculiar, and hath in former ages been sacred with the commons themselves: And this house perhaps hath as much reason to be jealous

and careful of it, as any other house ever had, especially when one single precedent is so urged and insisted upon. One thing there is, which a worthy member mentioned, though I cannot speak to it at large, because I think myself bound up by the resolutions of the house. Yet it must have some answer; that is, as to the lords voting in their own case: it requires an answer, though I cannot enter into the debate of it. The commons themselves have made this precedent: For in these impeachments, they have allowed men equally concerned in the same facts to vote in their own house; and we have not made the distinction in ours, that some should vote and some not. The lords have so high an opinion of the justice of the House of Commons, that they believe justice shall never be made use of as a masque, for any design. And therefore give me leave to say (though I am not to argue it) 'tis to me a plain demonstration, that the commons think these lords innocent, and I think the proposition is undeniable; for when there are several lords in the same circumstances in the same facts, there is no distinction: And the commons leave some of these men at the head of affairs, near the king's person, to do any mischief if they were inclinable to it, it looks as if they thought them all innocent. This is a thing I was in hopes I should never have heard asserted, when the beginning of it was from the House of Commons.

The said lord being here interrupted, he desired to be heard out, and that his words might be taken down in writing: but the managers for the commons broke up and departed, refusing to hear any explanation.

Now the said lord, as to any implicit charge of a design to reflect on, or dishonour the House of Commons, denies any such design or intention; having (for many years) had the honour to sit in the House of Commons, and having ever had an honourable and respectful sense thereof.

But the said lord was let to express himself in the manner aforesaid, for the reasons aforesaid, and takes himself to be justified therein by the facts and reasons following.

That the nature of that conference was, that it should be free. The occasion of it, because either House apprehended the other to be in an error; and the end of it, that each side may urge such facts as are true, and such reasons as are forcible to convince.

That one article of the impeachment against John Lord Sommers was, that the Treaty of Partition of 1699, was ratified under the great seal (which then was in the custody of the same lord, then lord chancellor of England.)

That the commons, on the 1st of April, 1701, resolved, that the Earl of Portland by negociating and concluding the Treaty of Partition, was guilty of a high crime and misdemeanor: and pursuant thereto, lodged an impeachment against him in the House of Peers. Which vote and impeachment could not have reference to any treaty (other than the Treaty of Partition of 1699,) the treaty of 1698 not being before the House of Commons till after the time of that vote and impeachment.

And yet the Earl of Jersey, who was then secretary of state and privy counsellor, and actually signed the said treaty of 1699, as a plenipotentiary with the Lord Portland, stands unimpeached, and continues at the head of affairs (being lord chamberlain) near his majesty's person, and in his presence and councils (without complaint.)

That the Earl of Orford, and the Lord Sommers and Halifax, are severally impeached for advising the Treaty of Partition of 1698.

And yet Mr Secretary Vernon, who then was secretary of state and a privy counsellor, and acted in the promoting the Treaty of Partition of 1698, stands unimpeached, and still continues one of the principal secretaries of state.

And Sir Joseph Williamson, who then was a privy counsellor, and transacted and signed the Treaty of Partition of 1698, as a plenipotentiary, stands unimpeached.

That the Lord Halifax is impeached; for that he being a commissioner of the

treasury, assented to the passing of divers grants from the crown, to several persons, of lands in Ireland.

And yet Sir Edward Seymour, Sir Stephen Fox, and Mr Pelham, who being severally lords commissioners of the treasury, did severally assent to the passing of divers like grants from his majesty, of lands in Ireland, stand unimpeached.

That in the impeachments against the Earl of Orford and Lord Sommers, one of the articles against them is, for procuring a commission to Captain William Kidd; and likewise a grant under the great seal, of the ships and goods of certain persons therein named, to certain persons in trust for them.

And yet other lords, equally concerned in procuring the said commission and grant, stand unimpeached.

That the said Mr Secretary Vernon, Sir Edward Seymour, Sir Stephen Fox, and Mr Pelham, notwithstanding their being parties in the same facts charged in the said impeachments, have been permitted to sit and vote in the House of Commons, touching the said impeachments, and the matter thereof.

That these facts being true and publickly known, the consequences resulting therefrom (as the said Lord Haversham apprehended) are undeniable, (viz.) that the doing of the same thing by two persons in equal circumstances, cannot be a crime in one, and not in the other.

That the commons had no reason to insist, that the lords should not permit that in their members which the commons had first permitted and continued to permit, and so begun the first precedent in their own members.

That it must be thought that the impeached lords (notwithstanding the facts alledged in the impeachments) are innocent of danger to the king, when the Lord Jersey, and Mr Secretary Vernon, who were respectively concerned in the Partition-Treaties, are permitted (without complaint) to be at the head of affairs, and in the king's presence, and of his counsels, as not dangerous.

That the word innocent used in the words spoken by the said Lord Haversham can extend no farther than to such matters as were done by the impeached lords, of the same nature with what was done by those unimpeached.

All which facts being true, and the consequences obvious, the said lord being ready to prove the same, he insists that the words spoken by him at the said free conference were not scandalous and reproachful, nor false or reflecting on the honour and justice of the House of Commons, but were spoken upon just occasion given, in answer to several expressions that fell from the managers, remote (as he conceives) from the matter in question, and reflecting on the honour and justice of the House of Peers: And in maintenance and defence of the lords resolution and judicature, and conformable to the duty he owes to the said house. And the said lord humbly demands the judgment of this honourable house therein.

And the said Lord Haversham denies, that he spoke the words specified in the said charge, in such manner and form as the same are therein set down.

And having thus given a true account of this matter, and it being true and indisputable, that some lords in this house equally concerned in facts, for which other lords are impeached by the House of Commons, are still near the king's person, in the greatest places of trust and honour, and unimpeached: And also that several members of the House of Commons, equally concerned in the same facts for which some of the lords are impeached, do however remain unimpeached: The said lord thinks such a truth could never have been more properly spoken than in the maintenance and defence of your lordships judicature and resolutions; and insisteth, that what he said at the free conference was not any scandalous reproach, or false expression, or any ways tending to make a breach in the good correspondence between the lords and commons, or to the interrupting the publick justice of the nation, by delaying the proceedings

on the impeachments at that conference, as in the said charge is alledged: But agreeable to truth in discharge of his duty, and in the defence of the undoubted right and judicature of this house.

HAVERSHAM.

21st June, 1701.

The house being moved to consider what is fit to be done in relation to the charge of the House of Commons against John Lord Haversham, and after due consideration thereof, and the Lord Haversham desiring to be prosecuted,

It was proposed as followeth:

That the answer of John Lord Haversham to the charge sent up against him by the House of Commons, having been sent down to that house, it is resolved by the lords spiritual and temporal in parliament assembled, 'That unless the said charge shall be prosecuted against the said Lord Haversham with effect, by the commons, before the end of this session of parliament, the lords will declare and adjudge him wholly innocent of the said charge.'

Then this question was put, Whether this resolution shall be agreed to?

It was resolved in the affirmative.

24th June, 1701.

The commons not having prosecuted the charge against John Lord Haversham, it is this day ordered, 'That the said charge against John Lord Haversham shall be and is hereby dismissed.'

An exact Account of the Sickness and Death of the late King James II. As also of the Proceedings at St Germains thereupon. 1701.

In a Letter from an English Gentleman in France, to his Friend in London.

"About the same time William's unfortunate rival was on his death-bed at St Germains, surrounded by priests and a few followers of the Scots and Irish nations, who continued faithful to his fortunes to the last. Lewis XIV. whose resolutions were always directed by a strange mixture of policy and sentiment, in which sometimes the one and sometimes the other got the better, paid him a visit when in this situation. But whether he meant it as a simple visit of compliment and sympathy, or whether he had further views, is not known. When he entered the chamber, James was lying on his back with his eyes shut; the posture in which he commonly kept himself, that his mind, wrapped up in religious meditations, might be the less disturbed by external objects. His servants were performing prayers on their knees around him, so that Lewis thought he was dead, and was retiring. But one of his attendants informing James that the King of France was come to see him, he looked round the room, but was so insensible as not to perceive him, and said, "Where is he?" Lewis, approaching the bed, James was not able to see him, but taking the king's hand into his two hands, grasped it, kissed it, and a tear or two trickled upon it. Lewis, struck with the constrast between his own grandeur and the humbled state of the other, burst into tears, and assured him that he would protect his son, and proclaim him king upon an event which he hoped was yet far off. All in the chamber threw themselves on the ground, sharing in the passion of the two sovereigns. From thence, the contagion of sympathy ran to the guards of the palace at the gate, and from them to the multitude without; so that when Lewis took his coach, he passed through thousands of

people blessing and praying for him; amidst the extreme imprudence of the measure to his own and his people's peace, perhaps more happy in that tender moment of passion than he had ever been in his most active hours of exaltation and glory. As he passed, he called the officer of the guard, and gave him orders to proclaim the young prince as soon as his father expired. The officer, who happened to be an Irishman, bowed, kneeled, and weeping retired. A few days after, on the 17th September, James died, and his son was proclaimed at St Germains king of the British islands, with all the parade of heralds, trumpets, and other ceremonies usual on such occasions.

"The news of this proclamation set all England in a flame; for, even those who wished well to the royal family of Steuart, accounted it an indignity, that a King of France should presume to name a King of England without consulting his subjects. Addresses to the throne were therefore poured from every quarter of the kingdom, filled with gratitude to heaven for the Revolution, loyalty to King William and the house of Hanover, and hostility against France."—DALRYMPLE, III. 226.

SIR,

I DOUBT not but you have heard of the indisposition, and since, of the death of the king; therefore it's no news to you: however, I cannot omit giving you a short particular of both; which take as followeth, *viz.*

On Friday the second of this instant September, his majesty, being at chapel on his knees, fainted away; which some of his servants perceiving, supported him from falling, put him into his chair, and carried him to his lodgings; where, after an hour's time, he came pretty well to himself again, eat heartily, continued so, sleeping and dozing, till Sunday (by intervals speaking to those about him,) when, about half an hour past two in the afternoon, on a sudden he was taken so ill, that he could not speak, by reason of an imposthumation breaking within him, and nature endeavouring to discharge it, he was almost suffocated. This occasioned the report, that he was dead, which presently flew to Paris, and consequently all over Europe: but by bleeding, and other proper remedies, a considerable quantity of that corrupt matter passed both ways, Sunday, Monday, and Tuesday, but none on Wednesday or Thursday. He slept well that night; on Friday was better, only he had an intermitting fever, which left him that night: he continued so till about eleven o'clock Sunday night, when the physicians observed a lethargy in him; and fearing he might die in that condition, they applied the blistering plaister betwixt his shoulders with good effect: yet a disposition to doze and sleep continuing in him, they applied those plaisters to his ancles, afterwards to his head, but without success.

In this condition his majesty continued till Monday night, when every body thought he was departing; but the physicians giving him somewhat inwardly, he presently began to discharge both ways, then rested till near five next morning: awaking, he spoke to the curate of the parish (who watched by him) to give him the sacrament; which he accordingly did: at which time he forgave several persons by name, all his enemies, and every one that had wronged him; prayed father Saunders, and all the rest about him, to declare it to the world; called for all his servants, and exhorted them to be constant to their principles, thanked them for their fidelity to him; sent for the prince and princess, charged them to be constant in their religion, and that no hopes of crowns or sceptres should make them do a thing unworthy their birth, and above all, to be obedient to the queen, gave them his blessing, desired that all his servants might continue on the same foot they now were, and that all his subjects would acknowledge his son for their lawful king and sovereign. So from that time the physicians resolved to apply no farther remedies, but leave his majesty to the will of Almighty God.

The King of France came to see his majesty, but he was speechless: Whereupon he went to comfort the queen, and sent for the Prince of Wales, told them, maugre all the difficulties he had met with in his great council, yet having the unanimous consent of the dauphin, and all the rest of the princes of the blood, he resolved to acknowledge and declare the prince his majesty's lawful heir and successor to the imperial crown of England, &c. And that he should be so acknowledged by France, Spain, and Portugal; and that he would by his ambassadors proclaim him as such in all the courts of Europe. After some time the king came to himself again, and being told of this declaration, sent for the prince next day, told him he had not seen him since the King of France had been there, charged him, during his minority, exactly to observe the King of France's counsel and direction in all things; and said he had sent my Lord Middleton to Marly, to give the King of France thanks for the same.

The King of France hearing his majesty was somewhat better, came to St Germains to see him, and when he was entered the lodgings, said, He was not only come to see the king, but also on an affair of great weight. Whereupon all persons were withdrawing; but he called them all in again, caused all the doors to be opened, that every body might enter that belonged to the king: And then commanded, That as soon as the king should be dead, the Prince of Wales should be proclaimed King of Great Britain, with his ordinary titles; declaring he would also cause the same to be done at Versailles, and (by his ambassadors) in all the courts of Europe: That his body should be removed from the queen's apartment to his own; and gave order to the captain of the guards to attend his corpse accordingly. And told all that belonged to the king, they should continue on the same foot they were at present, till he could do no more for them. While the King of France was making this speech, the whole court was in tears; but when he had done, they clapt their hands for joy, which caused that great monarch to weep.

The king desired to be buried privately at St Germains, dying there in exile; but the king of France told him, That was the only thing in the world he could not grant him; for he would lay him where he would have the honour to lay by him himself. And on Friday the 17th instant, about three in the afternoon, the king died, the day he always fasted in memory of our blessed Saviour's passion; the day he ever desired to die on, and the ninth hour, according to the Jewish account, when our Saviour was crucified. His death was edifying to men, and no doubt precious to God. As soon as he was departed, the great master of the ceremonies of France (by the king's order) proclaimed the Prince of Wales King of Great Britain, and all the dominions thereunto belonging, with the usual ceremony. The queen is appointed regent. My Lord Mid. gave up the great seal. All the lords have taken the oath of fidelity; the servants have kissed his majesty's hand, and every thing stands as it did in the late king's days.

And now I cannot omit telling you two remarkable passages: The one is, That when the king first fainted in the chapel, when he first fell ill, it was on Good-Friday, on singing the anthem, the two first verses of the last chapter of the Lamentations, "Remember, O Lord, what is come upon us: Consider and behold our reproach. Our inheritance is turned to strangers, our houses to aliens." Which was so touching, and made such an impression on his majesty, that he never perfectly recovered it, although he went to the waters of Bourbon. The other is, the King of France, upon his majesty's sickness, called his great council, which consisted of 23 persons: All but seven were against proclaiming the prince so soon. The dauphin being the last that was to speak, rose up in some heat, and said, it would be a great piece of cowardice, and unworthy the crown of France, to abandon a prince of their own blood, especially one that was so dear to them as the son of King James: That for his part, he was resolved, not only to hazard his life, but all that was dear to him, for his restoration.

The King of France said, " I am of Monseignieur's opinion;" and so said all the princes of the blood.

[*Sion College Library, A. B. 5. No.* 43.]

The last Dying-Words of the late King James to his Son and Daughter, and the French King.

Moriatur anima mea morte justorum.

The king being suddenly seized with a violent fit, sent immediately for Mr Sanders his confessor, and after having received at the hands of the rector of St Germains, all the rites of the church, he expressed himself as follows: ' I am now going to make my exit out of this miserable world, out of a tempestuous sea to a port of eternal rest, as I firmly hope, through the merits and passion of my dear Saviour. My integrity and innocency has been oppressed with infinite lies and calumnies. I never entertained a thought which was not levelled at the good of my subjects. O sweet Jesus, of thy infinite mercy forgive the authors and forgers of them. I offer up all my sufferings in union with thine; sweet Jesus, sanctify them to me for the eternal salvation of my poor soul. Forgive, sweet Jesus, my own bowels, who have risen up against me. Forgive the chief contrivers of my dethroning, give them grace to repent of their errors. Eternally praised be thy holy providence, who, by permitting me to be deprived of an earthly, hast given me better means to gain an eternal crown. I thank thee, sweet Jesus, for giving me the spirit of resignation among so many calamities.'

Then sending for the Prince, he told him: ' I am now leaving this world, which has been to me a sea of storms and tempests;

' It being God Almighty's will to wean me from it by many great afflictions. Serve him with all your power and strength, and never put the crown of England in competition with your eternal salvation. There is no slavery like sin, nor no liberty like his service. If his holy providence shall think fit to set you upon the throne of your ancestors, govern your people with justice and clemency, and take pity of your misled subjects. Remember kings are not made for themselves, but for the good of the people. Set before their eyes, in your own actions, a pattern of all manner of virtues. Consider them as your children, aim at nothing but their good in correcting them. You are the child of vows and prayers. Behave yourself accordingly. Honour your mother, that your days may be long, and be always a kind brother to your dear sister, that you may reap the blessing of concord and unity.'

Then calling for the Young Princess, he said to her:

' Adieu, my dear child; serve your Creator in the days of your youth, and consider virtue as the greatest ornament of your sex. Follow close the steps of that great pattern of it your mother, who has been no less than myself over-clouded with calumnies; but time, the mother of truth, I hope, will at last, make her virtue shine as bright as the sun.'

The French King coming to pay a visit to him, and asking him how he did,

He answered, 'I am going to pay that debt which must be paid by all kings as well as their meanest subjects. I give your majesty my dying thanks for all your kindnesses to me and my afflicted family, and do not doubt of your continuance. I have always found you equally good and generous. I thank God I die with a perfect resignation, and forgive all the world, particularly the Emperor and the P—— of O—— Sweet Jesus, out of the infinity of thy tender mercy, forgive them; and give your majesty the reward of your heroical bounty and goodness.' Here the French King began to tender and weep (as did all the standers-by) and deeply sighing, in most pathetic terms, expressed his concern for the loss of so good a friend and brother, and promised, that as soon as the breath was out of his body, the prince and his family should find in him a father; and that he would never forsake his interest; then tenderly with tears in his eyes embraced him; he took his last leave, saying; 'Adieu, my dear brother, the best of Christians, and the most abused of monarchs.' The little remainder of his life after was spent in most devout ejaculations, and begging pardon for his enemies and misled subjects; and being sensible to the very last, he said, 'Into thy hands I commend my soul, O Lord; lay not this great sin to their charge.' And after some long time spent in devout prayers, and out of a profound sense of humility, he begged of his most christian majesty, that he might be buried as a private gentleman, without any funeral pomp, which was unwillingly granted him.

[*Sion College Library, A. B. 5. No. 43.*]

The Pope's Speech made in a Consistory, which he held on the 3d of October, 1701, *to notify the Death of the late King James II. to the Sacred College.*

Venerabiles fratres, acerbissimum ac vere luctuosum clar. mem. Jacobi magnæ Britanniæ Regis obitum, quem sine maximo paterni cordis nostri mœrore audire non potuimus, suspiria inter et lacrymas vobis nunciamus; nec sane ullum nobis dubium esse potest quin animos æque vestros ingenti dolore afficiat gravissima hæc christianæ reipublicæ jactura; quam in amisso vere catholico principe, vere ecclesiæ filio, vere fidei defensore impensissime deflemus. Verum quia juxta monitum apostoli contristari de dormientibus non debemus sicut et cæteri qui spem non habent, jubet nos præclara defuncti regis pietas quam nulla unquam aetas delebit, nulla seræ posteritatis extinguet oblivio; jubet heroicus illius ac universo terrarum orbi notissimus rerum omnium humanarum pro orthodoxa religione contemptus, quippe cui rex optimus patriam,

Venerable brethren; We impart to you with tears and sighs the most sad and doleful death of James King of Great Britain, of illustrious memory, which we could not hear of, without feeling in our paternal heart a most grievous affliction; and we cannot doubt but you will be affected with the same grief for the great loss the christian commonwealth has sustained in the death of a truly catholic prince, a true son of the church, and a true defender of the faith; which we do sadly lament at this time. But as we are not to sorrow, according to the advice of the apostle, for such who sleep, as others that have no hope, the great piety of the deceased king, which no time shall blot out, and which shall be remembered to the latest posterity; his heroick contempt of all human things for the orthodox religion, so well known

opes, regnum, et vitam ipsam post habere non dubitavit; jubet demum mors ab eo religiossisime ac constanti animo obita, prout luculentis testimoniis comprobari percepimus, juste nos sperare debere, illum a Deo optimo maximo, sicut dum viverit tanquam aurum in fornace probatum, ita post mortem quasi hostiam, acceptum esse. Nostras nihilominus pro animo regio de hac apostolica sede optime merito ad Deum preces atque suffragia deesse charitatis ratio non potitur. Id et privatim hactenus nos ipsi agere non omissimus, et publicis quoque in pontificio nostro sacello exequiis romanorum pontificum predecessorum nostrorum exemplo suo tempore præstituri sumus.

to all the world, which that excellent prince preferred to his country, riches, kingdom, and even his life; and lastly, his constant and most religious death, as we are informed by noble testimonies, give us just grounds to hope, that as God has been pleased to try him during his life as gold in a crucible, so he has received him after his death as an acceptable sacrifice. However charity does not permit us to be wanting in our prayers to God Almighty for the soul of a prince, who has so well deserved of the apostolick see; and as we have not neglected to do it already in private, so we shall, in a due time, do it publickly by funeral solemnities in our pontifical chapel, according to the example of the Roman pontiffs our predecessors.

Cæterum eximiam et regio plane ejus animo dignam charissimi in Christo filij nostri Ludovici Francorum Regis Christianissimi virtutem hac occasione silere non possumus, qui quemadmodum olim eundem Jacobum Regem a regno nefarie *deturbatum cum regia conjuge et nato magnifice et liberalissime exceperat, ita eum semper omnibus benevolentiæ et humanitatis officijs usque ad extremum adstitit, et quod illustrius est, superstitem illius filium, a charissima in Christo filia nostra Maria Regina ejus matre ad paternarum virtutum æmulationem piissimo educatum, benigne complexus uti verum Britannici Regni hæredem,* omni prorsus proprij commodi ratione neglecta *palam agnovit, eumque in catholicæ fidei quacumque demum adveniente fortuna fortiter asserendæ proposito egregie confirmavit. Qua sane in re cum ipsius Christianissimi regis zelus et animi magnitudo magnifice eluceant, nostræ et omnium vestrorum laudes ei merito debentur, quas quidem uberrimas posteri omnes illi reddent dum pulchri facti memoriam recolent nunquam interituram.*

Moreover, we cannot on this occasion be silent, and forbear to take notice of the great virtue of our most dear son in Christ, Lewis, the most Christian King of France, (so worthy of his royal soul) who having received with all magnificence and liberality, the said King James, villanously dispossessed of his kingdom, with his royal consort and his son, and given them to the last all possible proofs of humanity and tenderness, has still (which is more great and noble) continued the same affection to his surviving son, so carefully brought up by our most dear daughter in Christ, Queen Mary his mother, that he may imitate or exceed the virtues of his father; and, entirely *neglecting his own private interests,* has publickly owned him for heir of the Britannick empire, and has thereby nobly confirmed him in his resolution of professing and asserting the catholick faith, to what fortune soever he may be reduced. The zeal of the most christian king, and the greatness of his soul, do so conspicuously shine in this thing, that he justly deserves from us and from you the praise and encomium which our posterity will pay him, whenever they call to remembrance that noble action, which will never be forgotten.

Haec et si vobis vel ipso rumore publico nunciante innotuisse jam credimus, nuperrime tamen ad nos per celerum cursorem a venerabili fratre Philippo Antonio Archie-

Though we believe that you have been informed of these things, yet having lately received a particular account thereof, by an express from our venerable brother Phi-

piscopo Athenarum, nostro et hujus apostolicae sedis apud eundem Christianissimum regem nuntio, qui omnia cognovit et vidit fideliter allata, confestim et hoc loco referre opportune duximus, ut scribantur in generatione altera, novumque hinc paternae nostrae erga vos charitatis argumentum accedat.

Venerabiles fratres, quorum fortibus humeris piisque votis impositum infirmitati nostrae onus quod his afflictis turbidisque temporibus gravius semper indies experimur levatum iri confidimus.

lip Anthony Archbishop of Athens, our nuncio to the most christian king, who has been an eye-witness of all these things, and has carefully examined them, we have thought fit to acquaint you with the same in this place, that they may be recorded to another posterity, and afford a new proof of our affection for you.

We hope and assure ourselves, venerable brethren, that you, by your powerful assistance and prayers, will ease the great burthen put upon us, notwithstanding our weakness, which we daily experience more heavy in these times of troubles and affliction.

[*Sion College Library, A. B. 5. No.* 43.]

A Memorial from his Most Christian Majesty, presented by the Count de Briord, his Ambassador Extraordinary to the States General of the United Provinces, at the Hague, December 4, 1700. *Containing his Reasons for accepting the late King of Spain's Will, in favour of the Duke of Anjou.*

The following state papers contain the germs of the War of the Succession. When Louis, contrary to the Partition Treaty, consented that his grandson should assume the Spanish crown, he signed, as has been said, the death warrant of millions. His chief pretext for his breach of faith was, that the emperor had not acceded to the Treaty of Partition, and that the will of the King of Spain bore a clause devolving the succession of the kingdom upon the Archduke Charles, and failing him, upon the Duke of Savoy. Conscious of the jealousy which his conduct must necessarily give to England, Louis bent all his policy to divide Holland from the interest of her ally, and to engage her in a train of separate negotiation. See the subsequent letter from the States to King William, 13th May 1701.

If the States General seem at present to be surprised at the king's accepting the will of the late King of Spain, they will in a little time thank his majesty for preferring on this occasion the peace of the public to the advantage of his own crown. If they take time to examine, with their usual prudence, the infinite troubles which the Treaty of Partition would produce, that same prudence will oblige them to desist from the demand, contained in the memorial which they have put into the hands of his majesty's ambassador. They will confess, that the misfortunes of obtaining it will be common to all Europe; and certainly they will be of opinion, that there is nothing can be a greater contradiction, than to abandon the design of the treaty, for the sake of adhering to the terms of it.

For we must of necessity at this conjuncture distinguish betwixt the one and the

other. The design and the terms were united whilst the King of Spain lived; but the last will of that prince, and his death, make such a difference betwixt them, that the design is absolutely destroyed if the terms stand. The former maintains a general peace, the latter causes an universal war. This observation alone makes a true decision, as to what choice we are to make, in order to conform ourselves to the principal object of the treaty, as explained by the first articles of it, viz. 'To maintain the general peace of Europe, to preserve the public repose, and to avoid a new war, by an accommodation of those disputes and differences that may happen upon the subject of the Spanish succession, or by the umbrage of too many dominions being united under one and the same prince.' It was upon such motives that the king took with his allies, the necessary measures for preventing a war, which the Spanish succession seemed unavoidably to threaten.

It was not his majesty's design to acquire by a treaty the kingdoms of Naples and Sicily, the province of Guipuscoa, and the duchy of Lorrain; his allies had no right to those dominions, and perhaps he might have obtained more considerable advantages by his arms, if he had designed to make use of them on the occasion of the King of Spain's death. But his principal end being to maintain the peace, he treated upon that foundation alone. He suffered the dauphin to content himself with the share allotted him, in lieu of all his right to the whole succession of the kingdoms of Spain. But it happens that the measures then taken, with a design to preserve the public peace, produce a quite contrary effect, and that they engage Europe in a new war: If it become necessary for preserving the peace, to use means different from those that were proposed for that end; if this new way occasion no prejudice to the potentates in alliance with his majesty, all the disadvantage falls upon himself; and if he is willing to sacrifice his own interests to the general good of Chistendom, it not only depends upon his majesty to do it, but he has likewise ground to believe, that his allies will commend his moderation, and his love to peace, rather than complain of a change, which the public welfare requires, and that they will thank him for a resolution, which it was impossible for him to defer, without exposing himself at the same time to long and bloody wars, which his majesty, in concert with them, was willing to prevent.

The first appearances of it were already plain enough. The Spaniards, being zealous to preserve their monarchy entire, made preparations on all sides for a defence. The Milonese, the kingdoms of Naples and Sicily, the provinces, the places comprehended in the Partition, all of them put themselves in a condition, to maintain their union with the body of the Spanish monarchy. The nation demanded only a king whom they might lawfully own: And though the inclinations of all the dominions of the crown of Spain did universally carry them to desire a prince of France, the subjects of that monarchy would have been loyal to any other prince appointed by the will of the late catholic king, exclusive of the dauphin's sons.

They were left at no uncertainty, but as to the acceptation; for the late king having at last done justice to the true heirs, their refusal would have authorized Spain to submit themselves to the archduke. Nobody, in all likelihood, will doubt but the emperor would have accepted the will. The succession of Spain for his second son was the main design of his long negociations at Madrid. His treaties in the empire were for that same end. He did not refuse to sign the Partition but in hopes of that. It will be hard to persuade any man to believe, that when he was just ready to reap the fruits of so much labour, he would be willing to lose them, and rest contented with the same offers that he had constantly rejected.

Thus the archduke becoming King of Spain by the consent of the whole nation, there must be a necessity, in order to execute the treaty, to conquer the kingdoms and dominions reserved for the share of the dauphin. There would be no room left to alledge the injury done to the lawful heirs, for the Spaniards had owned their right. There

must be a necessity of attacking a prince declared successor of all the dominions depending on the monarchy.

His new subjects being accustomed to loyalty toward their sovereigns, being informed of the refusal of the true heirs, would be as zealous for him as they had always been for their preceding kings. The States-General being informed by the king of all his steps for the execution of the treaty, know that his majesty did openly solicit the princes of Europe to enter into the same, and that he never attempted the loyalty of the subjects of the late catholic king by any secret methods. He had not any intelligence, neither in the kingdoms of Sicily or Naples, nor in any of the dominions comprehended in the share of the dauphin. The favourable opportunity was the only way to attack them. But war being once commenced, after having refused the justice which the late catholic king would have done to the princes of France, it would have been hard to have put an end to it. A king in possession of all the Spanish monarchy, without any conditions, would have been reduced to great extremities before he had parted with the kingdoms of Sicily and Naples, the province of Guipuscoa, the duchy of Milan, and the other countries and places of which the share of the dauphin was to have been composed.

It is to no purpose to enquire what the consequences of that war might have been. It was unavoidable; and this certainly is sufficient to shew that the sage precautions taken for maintaining an inviolable peace in Europe, were perfectly overturned by the very methods that were judged only proper for entertaining it, acknowledging the inconveniences of a war, the uncertainties, the misfortunes which it draws after it; had he accepted the treaty, and renounced the will, he must have obliged the archduke to desist from his right, and to content himself with the share stipulated for him.

It was certainly in the emperor's power to have done so, but his former refusals, pushed on to the extremity, will they suffer any man to believe, that that was his resolution, even though he had pretended to it? Would the public peace have been any further ascertained by it? The Duke of Savoy, he was no way engaged in any treaty, and he is called to the succession by this will, failing the princes of France and the archduke: What offer considerable enough could there have been made to him, to prevent his attempting to have his new rights made valid, or to balance the advantages that he might reasonably hope for from them.

It must not be said, that the confederate powers would have substituted him to the archduke; that is not the case, since it is supposed that the emperor would have accepted the treaty, which the exchange proposed to him, and which is infinitely below what futurity offered him; and would not his particular interest have obliged him to make the will valid in favour of that prince who should thus conform himself to it?

In fine, the disposition made by his catholic majesty did still produce new troubles in the choice of a prince to substitute in the room of the archduke.

Since the States-General insist upon that secret article of the treaty, they must have probably considered what prince was in a condition to subject the Spaniards to his obedience, and would have been willing, against the mind of the nation, to ascend the throne of Spain, and maintain the remainders of the dismembered monarchy against the enterprises of the archduke, authorized by the will of the late king, and against those of the Duke of Savoy, concerned to maintain that last will. It does no way appear that so many differences could have been easily accommodated, without giving the least trouble to the general peace. On the contrary, there is nothing to be foreseen but an universal war. Therefore, there's a necessity, in order to preserve the peace, to make use of methods different from those that were proposed at the signing the Treaty of Partition.

The most natural, that which is most agreeable for maintaining the general peace, and the only just method, consists in the resolution taken by the king to accept the

will of the late catholic king. If any prince have a right to oppose the dispositions of that will, there needs no more but to read them, to be convinced that this right belongs only to the dauphin. But since he is willing to desist from his pretensions in favour of his son, the will is executed without trouble, without effusion of blood, and the people of Spain receive with peace a prince whom his birth, the will of the late king, and the unanimous desire of all the dominions belonging to the monarchy call to the crown.

If any potentate should undertake to attack so many rights, they would justly be branded with the odious name of disturber of the public repose, and begin an unjust war, without any appearance of success. Then if this war should appear unjust, when undertaken by potentates, who think it their interest to traverse the advantages of a prince of France, would it be consistent with the king's equity, and with his tender affection to the King of Spain, to turn his arms against a nation, for no other reason but because they offered their new king, his majesty's grandson, the crown of one of the most potent monarchies of Europe, and begged of him as the greatest of favours to accept it? The high dignity of kings does not excuse them from considering whether the wars they undertake be just. Then what reasons could his majesty (who is known to be a just prince) offer for resuming arms, to divide a monarchy which is settled entirely upon the lawful heir?

There was a design to deprive him of his rights. The emperor, looking upon himself to be assured of the intentions of the late King of Spain, flattered himself with hopes of enjoying the whole succession. Justice, honour, the interest of the crown, and paternal affection, equally obliged the king to maintain with his power the rights of the dauphin. His former success was sufficient to shew what was to be feared from the efforts of his arms. The King of England, and the States General, were equally desirous to prevent the war. The king consented to it. The dauphin was very willing to abandon the greatest part of his rights, on condition of having the dominions allotted to his share ascertained to him. The equal desire on all hands to maintain the peace produced the treaty; and thus it was, that by sage precautions taken during the life of a prince, whose frequent and dangerous distempers foretold an approaching death, it was believed, that justice was done in part to the true heirs, and that at the same time a solid foundation was laid for a peace in Europe.

The disputes raised, as to the validity of the renunciation of the late queen, served for a motive to this accommodation. In effect, it had been of no use, if the nullity of that renunciation had been acknowledged as fully during the late catholic king's life as it is declared by his will.

In short, it was necessary that the king should explain himself positively, whether he would accept the will, such as it is, in favour of his grandson, or whether he absolutely rejected it. There was no medium, no expedient or change to be proposed. His majesty accepting the will, the rights of the whole succession pass uncontrovertibly to the king of Spain; he is not at liberty to separate them, to accept one part of the succession and reject the other.

The rejecting of the will transported all the rights to the archduke; nor could the true heirs in that case have had lawful reason to complain of any injustice done them. By consequence, be it how it will, had his majesty been minded to maintain the conditions of the treaty, he must have been obliged to attack a living prince, possessor of the crown of Spain; and it is certain that the measures he had taken with the allies, related only to the division of the succession of a prince whose death appeared to be very near.

Since the war must have been unavoidable, and that it would have been unjust if the king had fixed his resolution to keep precisely to the terms of the Treaty of Partition, the States-General have no reason to complain that his majesty hath prevented

it by accepting the will, except that resolution occasion them some prejudice; but hitherto there's none to be perceived. The only view they had in entering into that treaty, and their sole end, was to ascertain the general peace. We owe them the justice to declare, that they stipulated no particular advantage to themselves, no province, no place, no sea-port depending on the monarchy of Spain, either in the old or new world, no article for facilitating their commerce. They, properly speaking, acted the part of disinterested mediators betwixt the king and the emperor; they were willing to pacify the troubles which the reciprocal differences about the succession seemed likely to produce in a little time: If the emperor had been influenced with the same desire of maintaining the peace, and had signed the treaty, the engagements then entered into betwixt the parties only interested in the succession, would have been different, but there was no treaty except with the mediators: and the States being informed of all the king's steps with relation to the treaty, know how useless all the instances made at Vienna in his name were. They know also that the emperor being persuaded that the archduke would be called to the whole succession of the kingdoms of Spain, would not engage in the partition of the dominions of the monarchy, but in so far as it might have contributed to extend his authority in Italy. Let them complain then of the emperor and his continued refusals. If they be troubled at his majesty's accepting the will, which, though he has ground to believe from the memorial they have put into the hands of his ambassador, yet he is willing to suspend his judgment, until such time as they make more serious reflections upon this great event. He knows the wisdom of the republic's councils. All things being well examined, the States-General will perhaps find, that so many considerable dominions being added to France, according to the disposition of the treaty, might have given just jealousy of her power, and if it depended upon them to make choice, the reasons appear strong that they should prefer to the execution of the treaty, according to the terms, the present state of the monarchy of Spain, governed by a prince of France, without the dismembering of its dominions. The people of England and Holland were already prejudiced, and endeavouring to prevent the decisions of the government on this occasion: Their complaints of the uniting the kingdoms of Naples and Sicily to the crown of France, did openly discover their fears concerning the trade of the Mediterranean.

Though the King of Spain be a prince of France, his high birth, his education, and pattern, instruct him what he owes to the welfare of his subjects, and the interest of his crown. Those considerations will always have the chief place in his mind; they will incline him to augment the splendour of his monarchy; and farther, the tender affection of the king to his catholic majesty, would certainly be the strongest barrier, and the most solid assurance, that Europe could desire. If his majesty's intention to maintain the peace would allow the least jealousy of his designs, there was much more reason to take umbrage at the reuniting of too many dominions under one and the same prince, if the treaty could have been executed.

Those reflections will probably convince the States-General, that justice, the benefits of peace, and the very design of the treaty, would not allow the king to take other resolutions than that of accepting the will of the late King of Spain; that it suits the particular interests of the republic of Holland, and that it is agreeable to those of all Europe; the misfortunes then would be general, were it possible that his majesty, after this declaration, could have any regard to the instances contained in their last memorial; and in truth he is persuaded that they never had any design to obtain the effect of it. They are too clear-sighted to have formed vows so contrary to their light, and to the true interest of their republic, yet if they were capable of forgetting them so far as to wish effectually, that his majesty would execute the conditions of the treaty, they would have shewed the certain means of effecting the partition without a war,

to the general satisfaction of all Europe. They should at least have named the princes that were ready to join in it, the troops for being guarantees of the articles of it: They should have mentioned those that the republic of Holland was to furnish by sea or land. But their memorial contained no such thing. The Lords the States propose only to grant the emperor the term of two months, according to the secret article of the treaty: Have they already forgot, that he hath had seven months time to deliberate in? That his answers to the different instances made to him contained an absolute refusal to sign the Partition? Let them examine, what would be the fruit of that new proposal. The emperor refused the Partition upon the single hopes that the King of Spain would call the archduke to the succession. The hope was vain, and the effects have verified it to be so. In the mean time, if that was capable of suspending the emperor's resolutions, what would not the certainty do, which he has at present, to procure the whole succession of Spain to the archduke: For, in short, the delay of two months, proposed on this occasion by the States, would with reason have been looked upon by the Spaniards as the king's rejecting the will of his catholic majesty. There was no reason to demand of them to wait for an answer so long, and besides this answer, according to the terms of the treaty, could be no other than a refusal. Thus the regency of Spain should have been obliged, in conformity to the intentions of the late catholic king, to devolve the crown upon the archduke, and the emperor should obtain by this delay (which my Lords the States propose) what he hath sought after with so much labour; and thus, under the specious pretext of executing the treaty, they would ascertain for ever the grandeur and power of the house of Austria.

His majesty is willing to believe that this was not their design; they know too well that it is their interest to merit, by their good conduct, the honour of his affection, and the continuation of his good will. He assures himself that they will reflect more than they have done upon the testimonies which he gives of his application to the maintenance of the public peace; and upon the sacrifice which he is willing to make on that account of considerable dominions that were to be united to his crown, that they will change their complaints into thanks, and congratulate the King of Spain as soon as possible upon his accession to the crown, and that they will endeavour to merit of the king the good-will and protection that they and their ancestors have received of his majesty and his predecessors.

Dearest great friends, allies and confederates, the peace of Europe is so firmly established by the just disposal which the late King of Spain, our dearest and well-beloved brother, hath made of his kingdoms and dominions, in favour of our dearest and well-beloved grandson Philip V. now King of Spain, that we doubt not of your being glad at his accession to the throne. We have already made known unto him the true affection which we bear you, and since we are persuaded that his sentiments will be agreeable to ours, the strict correspondence which shall henceforward be maintained betwixt our crown and that of Spain, will give us new opportunities of shewing you how much we interest ourselves in what concerns you, and the sincere friendship that we entertain for you; the Count De Briord, our ambassador extraordinary, will give you new assurances of it; and in the mean time, we pray God, that he may take you into his holy protection.

Wrote at Versailles, Nov. 29th, 1700. Signed Louis.

I, the subscriber, ambassador extraordinary of France, having received orders from my master to give your lordships the letter that his majesty hath wrote to you, to notify the accession of King Philip V. his grandson to the monarchy of Spain, and to communicate to you at the same time the just motives that obliged him to accept the will of the late King of Spain, which are contained in the memorial joined to the

king's letter. The said ambassador hath caused the letter and memorial to be delivered to M. de Haren, president for this week. I wish your lordships may make all the reflections upon it suitable to the present state of affairs, and to the good and advantage of this republic, which may and ought to rely upon the assurances, which he hath order from the king his master to give your lordships of the continuation of his friendship, and of his majesty's sincere desire to maintain the alliance and good correspondence which he hath with this state. The said ambassador is persuaded that your lordships will correspond with the favourable intentions of the king his master.

At the Hague, Decemb. 4th, 1700. Signed BRIORD.

The King of France's Memorial delivered to the States-General by Monsieur d'Avaux, upon the taking Possession of the Towns in Flanders 1701.

The Memorial delivered to the States-General by the Count d'Avaux.

The proceedings of the king my master, ever since the death of the King of Spain, have manifested the sincere desire which his majesty hath of preserving the publick repose, and of keeping up a perfect amity with my lords the States-General. If they have been alarmed at the resolution which he has taken of accepting the will of that prince, his majesty, upon enquiring into the grounds of their fear, has forgot nothing that might remove it. He has informed them, as his allies, of the just reasons he had of looking upon the last will of his late catholic majesty, as the foundation of the peace of Europe. The strongest assurances of his affection for them have been added to the declaration he has given them of his intentions: But these very assurances, though renewed upon all occasions, have not been able to overcome the silence of my lords the States-General, nor to prevail upon them to return an answer to the letter which his majesty wrote to them to acquaint them of the king his grandson's accession to the crown of Spain.

It is needless to remind them of the first demand they made to his most christian majesty. In short, his patience has been so great as to let them say and believe, that the condition of his forces would not permit him to begin a new war. His ma-

Memoir presente aux E. Gen. par le Comte D'Avaux.

Les demarches du Roy depuis la mort du Roy d' Espagne, ont fait connoitre le veritable desir que Sa Majesté de conserver le repos public, et d'entretenir une parfaitte intelligence avec Msrs. les Etats Generaux. S'ils ont esté alarmez de la resolution qu' elle a pre d'accepter le testament de ce Prince; Sa Majeste examinant les motifs de leur crainte, n'a rein oublié pour la dissiper. Elle les à informé comme ses allies des justes raisons qu'elle avoit de considerer les dernieres dispositions de feu Roy Catolique comme le fondement de la paix de l'Europe. Les plus fortes assurances de son affection pour eux, ont esté jointes a l'explication qu'ell leur a donne de ses intentions; mais ces mesmes assurances renouvelles en toute occasions, n'ont pu vaincre le silence de messieurs les Etats Generaix n'y les determiner a repondre a la lettre que Sa Majesté leur avoit escrite pour leur donner part de l'avenement du Roy son petit fils au throne d'Espagne.

Il est inutile de rapeller la premiere demande qu'ils ont faitte a sa majesté. Enfin sa patience a esté jusques aupoint de faire dire et delaisser croire que l'estat de ses forces, ne luy permettoit pas de commencer une nouvelle guerre. Sa majesté uniquement

jesty, wholly taken up with the care of preventing it, has not been diverted from this his care by such discourses: And his constant desire of maintaining the peace has inclined him graciously to receive the two last memorials, sent to his majesty in the name of the republick. And whereas these memorials have given him hopes that the States-General would effectually agree with him about the methods of securing their repose, he has dispatched the Count D'Avaux to hear at the Hague the proposals they shall make to him.

But though the king has quietly taken notice of the extreme jealousy which the government of the United Provinces have openly shewed of the sincerity of his majesty's intentions, he cannot tell how to disapprove of the jealousy which the catholic king has of them, being so reasonably founded on their conduct ever since his accession to the Spanish crown. The memorials of his ambassador, and the letter of that prince remaining without an answer, the constant refusal of the States-General to own him as King of Spain, and this resolution shewn, upon even the least occasions (the particulars of which 'tis needless to repeat) can ever establish a [mutual] confidence.

The prudence and wisdom of their government does hardly allow any credit to be given to the reports that are spread abroad of a project on foot of offering to acknowledge that prince, upon condition that he dismembering the Low Countries from the monarchy of Spain, would yield them up to the Archduke Charles. There is little likelihood that they should imagine that the King of Spain, the most christian king's grandson, should at the beginning of his reign buy peace of them at such a price. But though these reports should be absolutely false; though it were true that no extraordinary provision of arms and ammunition, nor any other preparation for war, was made in Holland; nay, though there were no negociation on foot for entering into new alliances; yet it were impossible that the King of Spain should with any patience see the towns of the Low Countries filled with those troops,

occupée du soin de la prevenir n'a pas esté detourné de ce mesme soin par de tels discours; et san attention continuelle au maintien de la paix, luy a fait recevoir encore avec plaisir, les deux derniers memoires remis a sa majesté au nom de la republique comme ils luy donnoient lieu de croire que Msrs. Les Etats Generaux vouloient effectivement convenir avec elle des moyens d'assurer leur repos, elle a fait portir le Comte d'Avaux pour ecouter a la Haye les propositions qu'ils auroient a luy faire.

Mais en mesme temps que le roy a veu tranquilement l'extreme defiance que le gouvernement de Provinces unies a fait ouvertement paroitre des sinceres intentions de sa majesté, elle n'á pu de saprouver celle du roy catolique justement fondée sur le conduit qu'ils ont tenue depuis son avennement a la couronne d'Espagne. Les memoires de son ambassadeur et la lettre de ce prince demeurez sans response, le refus constant des Estats Generaux de le reconnoitre en qualitè de Roy d'Espagne, cette resolution marquée jusques dans les moindres occasions dont le detail seroit inutile, ne pouvoient etablir la confiance.

La sagesse de leur gouvernement permet difficilement d'ajouter foy aux bruits repandus d'un projet formé d'offrir au prince de la reconnoitre, a condition que seperant les Pays Bas de la monarchie d'Espagne il les cederoit a l' Archiduc Charles. Il y apeu d' apparence qu'ils ayent cru que le Roy d'Espagne petit fils du roy, voulut au commencement de son regne acheter d'eux la paix a ce prix: Mais quand ces bruits seroient absolument faux; quand il le seroit qu'on fit aucun amas extraordinaire d'armes et de munition, aucun preparatif en Hollande pour la guerre; quand mesme il n'y auroit nulle negociation pour de nouvelles alliances, il estoit impossible que le Roy d'Espagne vist sans peine les places des Pays Bas remplies de troupes dont les maitres ne veulent pas le reconnoitre pour souverain legitime de ces mesmes places.

whose masters will not acknowledge him as the lawful sovereign of those very places.

The refusal of my Lords the States-General has therefore obliged him to apply himself to his most christian majesty, and to desire of him those supplies which he has given him: But his majesty declares, that after he has taken those precautions, which are absolutely necessary to establish the lawful authority of the king his grandson, he is entirely disposed to agree immediately upon such terms as may secure the peace.

Le refus de messieurs les Etats Generaux l'a donc oblige de s'addresser au roy et de luy demander les secours que sa majesté vient de luy donner; mais elle declare qu' apres avoir pris les precautions absolument necessaires pour establir l'autorité legitime du roy son petit fils, elle est entierement disposée a convenir incessament des moyens d'assurer la paix.

The public tranquillity therefore depends upon my Lords the States-General, which will be soon confirmed and rendered lasting, if it is true that they so earnestly desire it, as they testify in the last memorial which the Earl of Manchester, the ambassador of the king of England, has delivered in their behalf. If the treaty of Ryswick, hitherto punctually observed, is not sufficient to remove from them all occasion of alarms, both with respect to their security, and their trade, the king desires that they would make new proposals to him, but withal such as are equitable, and such as his majesty may fairly allow of. The time is precious, and my Lords the States-General, if they are heartily desirous of peace, ought to beware of giving any occasion to believe, that under a pretended appearance of a negociation, their real intention is to obtain the delays which are necessary to prepare themselves for a war. The constitution of their government, the waiting for the answers of the king of England, can be no hindrance to their explaining themselves. They must needs be informed of the intentions of that prince, they must needs know, that he is inclined to maintain the peace, since they communicate to his ambassador the measures which they take to obtain it.

Ainsy la tranquilité publique depend de Mrs les Etates Generaux; elle sera bien tost affermie pour long temps, s'il est vray qu'ils la desirent aussy ardamment qu'ils le temoignent dans le dernier memoire que le Comte de Manchester Ambassadeur du Roy d'Angleterre a remis de leur part. Si le traitté de Ryswick ponctuellement observé jusqu' a present, ne suffit pas pour leur oster tout sujet d'allarmes et sur leur sureté et sur leur commerce, le roy veut bien qu'ils luy fassent de nouvelles propositions; mais equitables et telles que sa majesté les puisses admettre. Le temps est precieux et Messieurs les Etats Generaux doivent eviter s'ils veulent sincerement la paix, de laisser croire que sous une feinte apparence de negotiation, leur veritable intention ne soit que d'obtenir les delays necessaires pour se preparer a la guerre. La constitution de leur gouvernement, l'attente des responses du Roy d'Angleterre, ne les empeche plus de s'expliquer: ils doivent estre instruits des intentions de ce prince, ils doivent sçavoir qu'il est porté a maintenir la paix puis qu'ils confient a son ambassadeur les resolutions qu'ils prennent pour y parvenir.

His majesty being persuaded that they are such as are conformable to the interest which they have in contributing to the public repose, assures himself likewise, that they will immediately declare themselves in such a manner, that, all occasion of jealousy being removed, he may conti-

Sa majesté persuadee qu'elles sont conformes a l'interest qu'ils de contribuer au repos public, s' asseure aussy que bientost ils s' expliqueront de maniere que tout sujet de deffiance venant a cesser, elle pourra continuer a leur donner en touttes occasions des marques de l' estime et de l' affection ve-

nue to shew them upon all occasions the tokens of that real esteem and affection which he has always borne to their republick.

ritable qu'elle a toujours conservée pour leur republique.

Some Reflections by way of Answer to a Memorial of his most Christian Majesty, presented to the States by the Count de Briord, Ambassador of France, on Occasion of the Elevation of the Duke d' Anjou to the Crown of Spain, contrary to the Treaty of Partition lately concluded betwixt France, England, and Holland. 1701.

The said ambassador acquaints the States, 'That the chief and main end of the Treaty of Partition was to preserve the peace of Europe, and to prevent the uniting too many kingdoms and states to one and the same crown (meaning that of France). That the late king and subjects of Spain being unwilling to have their kingdom dismembered, the late king by his last will hath declared the Duke d'Anjou his universal heir; by reason whereof, the Treaty of Partition becomes impracticable, for that it will tend to the effusion of blood, and therefore destroys the design of the treaty, which was the preservation of the peace of Europe; and upon these considerations rejects the same.

Answ. By the Treaty of Partition, both France and the Emperor were to be satisfied in part as to their pretensions to the dominions of Spain, the same being divided betwixt them. But why the French king can think the emperor will better bear the utter exclusion of the house of Austria from its primitive right, and the archduke that of the Partition, than the French king would (had the will favoured the archduke) have suffered the denial of those dominions and states stipulated for France in the Partition, how this expedient tends to the preservation of the peace of Europe passeth my invention: But I am apt to believe the contrary is maintained by way of parallel.

I should be glad to be convinced, by reason, how the French king will more spare the effusion of blood by maintaining all the dominions of Spain, against his own solemn act, and the united powers of Europe, than the supposed difficulties he was to have met with from the archduke in enterprising the stipulated states (which already seem by nature to be separated from Spain) in conjunction with the united force of England and Holland, without whose consent, Spain would be so far from succouring them, it could scarce receive intelligence of their being attacked.

It appears plainly that France was so far from being surprised at these difficulties, upon entering into the treaty, and particularly as to the shedding of blood, that the French king must in a manner confess himself guilty of wilful murder; else why doth he, by the fourteenth article of the treaty, provide, in case of opposition made by the states agreed to belong to the dauphin, that the united powers of France, England, and Holland should mutually assist one another, by force of arms, to enterprize the same.

What do the French mean by these words, (viz. 'The design and terms were united while the king of Spain lived,') except his intent by the treaty was only to make advantage of it during the king of Spain's life, by loudly proclaiming, in the ears of his catholic majesty, and the council of Spain, That the monarchy was dismembered? What were his vehement pressing other potentates to enter guarantees of the treaty, but to amuse Spain, and force them to think of new resolutions, for preserving the monarchy entire? The archduke hath no fleets to dispute the power of those princes engaged in the Partition; therefore we may conclude, it was not choice but necessity

drove Spain to apply themselves to a prince of France, where treaties have no sanctuary, nor ambition any bounds.

His christian majesty is for carrying on banter yet further; he would have the States believe, though the terms or letter of the treaty are broken, yet the condition remains, (as to the umbrage of too many states devolving upon one and the same crown, by the accession of the Duke d'Anjou to that of Spain) and therefore to keep the balance of Europe even.

Answ. Now in this point, I think the monsieur is kinder to Europe than he designed; for he gives us some figurative resemblance of the terms or notion of a distinct titular kingship of Spain: By his former paragraphs he destroyed both terms and design of the treaty. But I shall not be well satisfied till he quits his designings; whilst the balance of Europe is to be secured by a shadow only, the French enjoy the substance, design, and spirit too; not of the Treaty of Partition, but what is worse, the union of two crowns, viz. France and Spain. I shall take but little pains to prove the suggestion; I am apt to believe the ambassador's own words imply one and the same thing, which are as follows, viz.

'The tender affection of the king to his catholic majesty would certainly be the strongest barrier, and the most solid assurance, that Europe could desire.' In another part of the memorial his most christian majesty tells the States, 'We have already made known unto him (meaning the catholic king) the true affection which we bear you; and since we are persuaded, that his sentiments will be agreeable to ours, the strict correspondence which shall henceforwards be maintained betwixt our crown and that of Spain, will give us new opportunities of shewing you how much we interest ourselves in what concerns you.'

The French king now begins to change his style; now the cards are dealed, he hath no more occasion to shuffle them; henceforwards we shall hear nothing but of the irresistible power of the two crowns to menace and disturb the states of Europe; and this he doth not forbear telling you in another part of the same memorial, viz.

'If any potentate should undertake to attack so many rights, they would justly be branded with the odious name of disturbers of the public repose, and begin an unjust war without any appearance of success.'

His most christian majesty will very suddenly apply himself to Europe in the doctrine of passive obedience: The great correspondence he pretends shall be maintained betwixt the two crowns, is what Europe most feared, and well hoped had been prevented by the Treaty of Partition. But what artifice must the French king use to persuade the potentates of Europe, That the tender affection of his christian majesty to his catholic majesty, will be the strongest barrier and solemn assurance that Europe can desire? In this I confess myself to be much at a stand, unless he means the potentates of Europe are to have no peace but through the intercession of his catholic majesty to that of France. If this must be the event, from the unhappy conjunctions of the two crowns, (or rather evil planets, I may say, from the effects) the price of this peace, I fear, will cost nothing less than the extirpation of the protestant religion, loss of trade, and the entire subjection of Europe. Now, in case this olive-branch will produce no better fruit to Europe, I think, without dispute, we ought to stock up the very root from whence it springs: But to this end it will be held necessary to untie this gordian knot; it is very improbable it will dissolve of itself; or at least imprudent for Europe to stay to expect that issue; we must use means. The present expedient proposed is that of love, the charms of the archduchess.

Object. Now this is presumed will be but a cure in part; this may lull the emperor asleep for awhile: But this excludes the protestant interest of Europe. By this alliance you only give Rome leisure to enterprize upon the protestant interest her damnable practices: Then, instead of expecting the armies of the emperor to divert upon the

Rhine and in Italy, the storm that may threaten us, we may hear of them entertaining the protestant princes of Germany: We must likewise expect at the same time, St Germains will be trump in England, and Madrid in Holland; so that this remedy seems as bad as the disease itself. So that we are not to let the emperor's spirits sink for want of succours, our only recourse at present seems to be, to the sword of the archduke in conjunction with the powers of Europe, to cut this strong bond made up by the mystery of iniquity.

If any object, That all attempts upon Spain are to be suspended, lest by that means you open a door to the French troops to possess themselves of all the strong-holds, and so consequently render the enterprize upon Spain impracticable, I shall prove this argument of no weight.

For, to me, there seems little difference, whether the French troops are already entered, or will do when there is occasion; if we fear opposition, we may then as well lay down our army and cry *Peccavi:* If the enemy once knows we dare not strike, we must expect to meet with greater provocations still (both knocks and kicks.) But it is hard we want greater to illuminate our understandings, or sense to discover the danger we are in, if by so notorious an act of perfidy the French king, at an instant, swallows up the greatest monarchy in Europe as one single bait: Methinks we should not think it long, ere we may expect it to come to our turn; for, as I take it, the question will shortly be, who must be first devoured? And though it is agreed on all hands, that France and Spain united are very potent, yet we are not to think them omnipotent nor omnipresent; so that it matters not whether the seat of war be in New Spain or Old Spain, or in France itself; for, as long as the force is joint, they must be contested by the like or greater force of the united powers of Europe.

And further, the French king's jugglings are such, that he spares not to abuse his nearest kinsman and ally, the Duke of Savoy, at the same time he would have him put an inestimable value upon his new right (as he terms it,) which is a claim in remainder to the dominions of Spain, after two princes of France, and the archduke, and their issue. He forbears not telling you, that France hath the entire execution of the will; and though the two princes of France die without issue, it is to be thought that the French king, who now, only in regard to the peace of Europe, suffers the Duke d'Anjou to anticipate the right of the dauphin and Duke of Burgundy: I say, will he not then use the same argument, and tell them how inconsistent it is with his justice to suffer such a breach upon his own house? Is it likely, when the French are in actual possession, they will surrender at discretion, after they have contested with the force of Europe? If the archduke can use no other process but that of his sword, can the Duke of Savoy think himself in a better posture to prosecute his title when he is bound hand and foot? When the French are once possessed of Milan, can he think himself more at liberty than a man that is kept prisoner in his own house, when all the doors are made fast upon him? So that we may necessarily conclude, the care the Duke of Savoy ought to have of his present estate, will very much imbitter the pleasurable thoughts the French king would have him conceive in that of his contingent succession, when French troops are to become his only guarantees for livery of seizin.

Now I would not be so understood, as to precipitate the English nation into such a war as to bear the whole burden; the case is now different from the last war, when it was in the very bowels of the kingdom. The emperor and states, as they seem most concerned, we may hope will be content the English quotas be such as have regard to the defence of the seas, and the transportation of such forces, whether for Spain or France, as the nation can maintain by its own product, without embezzling the coin: This will answer the intent of a flying camp to a very great degree, and whilst you alarm the whole coasts of Spain and France (wherein if you take footing you will secure costs at last; But if not, if the French will be diverted to their prejudice, the

advantage will be equal to the confederate armies :) You will maintain your trade with triumph, while the seat of war becomes in a manner universal in all Europe; besides you likewise open your magazines and storehouses, and carry your English product to the best market. So that, when France shall see, that it is not only the honour and justice, but profit likewise of the English nation to protect and assist its allies against such manifest perjury, they must not look upon their present gain all clear profit; futurity will bring them to another reckoning, and perhaps their misfortunes may then best inform them, what value they ought, and are to put upon their treaties.

The Translation of the States-General's Letter to his Majesty the Thirteenth of May, 1701.

This letter, detailing the arts by which France was proceeding in her great plan of securing the Spanish succession, and threatening the frontiers of Holland, has been characterized as possessing the highest kind of eloquence, namely, the simple enumeration of striking circumstances. The recital of their distressed state, and their unabated confidence in English generosity, made the deepest impression on both houses of parliament.

Die Veneris 9 *Maij*, 1701.

It is ordered by the lords spiritual and temporal in parliament assembled, that the translation of the States-General's letter to his majesty, the 13th of May, 1701, read this day in the house, shall be forthwith printed and published.

Matthew Johnson, *Cleric' Parliamentor'*

Sir,

Since the protestation we made to your majesty, in our last letter of the 23d of April, not to enter into any negociation with France, but in concert with England, we have judged it proper to ask Count D'Avaux, ambassador extraordinary from his most christian majesty, if he was inclined and authorised to enter again upon the negociation, in the manner it was begun, jointly with the minister of your majesty, as your majesty will see by our resolution of the 2d of this month, here enclosed: Count D'Avaux having sent it to his most christian majesty, after the return of his express, presented a memorial, of which we likewise add a copy to this letter. We immediately communicated it to Mr Stanhope, your majesty's envoy extraordinary, and after having consulted with him about it, we found some things obscure in the said memorial, which made us doubt of the true meaning of it; therefore we thought it necessary to acquaint the said Count D'Avaux with the letter we had the honour to write to your majesty the 23d of April last past; and that we were engaged not to take any measures in the negociations, but in concert with your majesty. Count D'Avaux made answer to our deputies, that he was come hither to treat about the means of preserving the general peace, and establishing our particular safety; that if we would concert thereupon with your majesty, he had nothing to object against it; and that he was content that your majesty's envoy should assist at the conferences which were to be held upon

that subject: But that he was not at all authorized to enter into negociation with him about the concerns of England, which were to be treated elsewhere: To which our deputies represented, that in the preservation of the general peace, in which your majesty is equally concerned with us, our safety could no ways be separated from that of England; that the interest therein was common to both the two nations; and that in the present negociation, your majesty could not, without doing you wrong, be looked upon otherwise than as a principal party, as well as we. But notwithstanding the many instances, and all the reasons our deputies could alledge, Count D'Avaux persisted in his aforesaid answer, saying, that he had no other orders; that he would send our resolution (of which your majesty will find herewith a copy) to the court of France, without giving the least hopes of receiving an answer agreeable to our sense of matters. Upon the report which was made to us of this matter, we judged by this means the interests of England would be separated from those of our republick, whereas we think them inseparable: And since it is evident that they are so, we could draw no other conclusion from this proceeding, than that France had a mind to put an end to these conferences, and to grant none of the securities demanded, and which are so necessary for the preservation of your majesty's kingdoms, and of our state. We are obliged to make all this known to your majesty, and do again protest, that our interests being the same with those of your majesty, in this present negociation, and not to be separated one from the other, we will not suffer them by any means to be divided. At the same time, sir, we cannot but represent to your majesty the great need we have of being assisted, without loss of time, if we will prevent the ruin that threatens us, and the evident danger we are in. Your majesty knows perfectly well the state of our affairs, and will easily judge, if it is possible, in the condition we are, to resist the forces of France, so much superior to ours: Which was the reason of our earnest request to your majesty to perform the treaty made, with the approbation of the parliament, in the year 1678, between King Charles the Second (of glorious memory) and this state. We do now repeat our most pressing instances, that we have speedily the succours stipulated, and the entire effect of the said treaty. We hope your majesty will seriously consider the state we are in, especially after the positive assurances your majesty has given us, that your parliament had resolved to interest themselves with vigour for our preservation, and to assist us in our present necessity, by furnishing the succours agreed on. We will acquaint your majesty with the posture France puts itself in, and your majesty will thereby judge, whether our fear, which animates our demands, is ill grounded. France not being satisfied with having taken possession of all the places that belonged to Spain in the Netherlands, does daily put into them, and causes actually to march thither, very formidable forces. They are drawing a line from the Schelde, near Antwerp, to the Maes; and beginning another line, as we are informed, from Antwerp to Ostend. They send to the places which are nearest to our frontiers a very great number of cannon. They erect, with all diligence, a great many magazines in Flanders, Brabant, Geldres, and at Namur, which they fill with all sorts of ammunition and provision for war, besides the vast quantities of forage they lay up every where. They build forts under the cannon of our towns. Moreover they have endeavoured, and do still endeavour without ceasing, to separate the princes our friends from our interest, and to engage them in their alliance, or at least to a neutrality. In fine, our friends are made useless to us by the intrigues and divisions in the empire, and those of France augmented, so that we are surrounded on all sides, except by sea. You see, sir, without any disguise, the true state and condition to which we are reduced, without the addition of any thing but what is matter of fact. This makes us hope, that as your majesty knows perfectly well our affairs, you will agree with us, that our condition at present is worse than it was during the last war, and worse than if we were actually in war, since they build forts under the cannon of our strong places, and make

lines along our frontiers, and that we cannot hinder them as we could do if we were in war. These reasons oblige us to put ourselves into a defensive condition, more than if we were actually attacked; to put our country under water; and even to cut our dykes to secure our frontiers. We find ourselves forced to make use of these means, and whatever else we could have done in open war, insomuch that our subjects suffer already more than they did in the last war. Hitherto the winter has been some sort of a small security to us: That season is now past, and we do expect every moment to be invaded and over-run, unless we are speedily succoured. We do promise it ourselves from you, sir, especially since it has pleased your majesty to assure us, that your parliament had taken favourable resolutions in our behalf. And as our necessity is very pressing, so we beseech your majesty to consider well the extremity we are in, and the impossibility we are under of avoiding the total ruin and overthrow of our state, if we are left in this condition. Sir, we believe the interest of England so closely united to ours, that we will expose ourselves to all events, rather than suffer them to be separated, or to take any other measures than in concert with your majesty. It is very needless to represent to your majesty, that the preservation of your own kingdoms should engage you to prevent our ruin, seeing we think their loss is inseparable from ours. The reasons, sir, are better known to you than to us, as well as the fatal consequences they will be exposed to, in leaving us in this condition; which persuades us, that by your majesty's great prudence, and the good intentions of your parliament, you will direct all things so, as to let Europe see, that nothing is more conducive to its safety than the alliances with England, and your friendship for us: We expect without delay the succours and the performance of the aforementioned treaty, and pray to God,

Sir,

To preserve your majesty's sacred person in a long state of health, and your dominions in a flourishing condition.

At the Hague, the 13th of May, 1701.

Your Majesty's
Very humble servants,
The States-General of the United Provinces.
ISWichers.
By order of the States,
J. Fagel.

The most Christian King's Letter to the States-General of the United Provinces, upon his recalling the Count d'Avaux, his Ambassador Extraordinary at the Hague; together with the said Ambassador's Memorial, both presented by him to the State the 15*th* 26*th of July: and the Answer of the States-General to the said Memorial, delivered to the Ambassador the* 21*st July* 1*st August*, 1701.

The most Christian King's Letter to the States-General.

Most dear great Friends, Allies, and Confederates,

We have thought fit to recall the count d'Avaux, our ambassador extraordinary to you, seeing the little fruit those conferences have produced which you had desired of us, and which you have since often interrupted. We are not the less inclined to the

establishing of the peace. As he will further declare our intentions to you before his departure, nothing remains for us, but to assure you, that it still depends on you to receive marks of our antient friendship for your republic, and of our desire to give you proofs thereof on all occasions: So we pray God, that he may have you, most dear great friends, allies, and confederates, in his holy keeping. Given at Versailles the 18th of July, 1701.

Your good friend, ally, and confederate,

To our most dear great Friends, Allies, and Confederates, the States-General of the United Provinces of the Netherlands.

LEWIS.

COLBERT.

Count d'Avaux's Memorial.

The underwritten Count d'Avaux, ambassador extraordinary from the most christian king, being arrived at the Hague in February last, had reason to believe, that the orders given him by his majesty would sufficiently make known the desire his majesty always had to maintain the peace, and that your lordships would make use of his favourable dispositions, after having earnestly desired that his majesty would permit that proposals should be offered in settled conferences, concerning the securities which you might reasonably desire, and that an agreement should be made at the same time, about the means of preventing a new war. This step and your lordships true interest ought equally to persuade, that the desired conferences would have had a happy issue; and the most christian king declaring, that on his part he would not omit any thing to preserve the public tranquillity, it seemed, that your lordships first alarms would have been happily calmed; that your confidence in his majesty's affections would have removed those vain fears, which his grandson's accession to the Spanish throne had inspired you with. The Count d'Avaux hoped therefore, that after a short embassy he should soon return to the king his master, with the satisfaction of having been employed in preventing the new troubles Europe was threatened with. This his hope was confirmed when your lordships, acknowledging the lawful right of the king of Spain, wrote a letter to that prince, to congratulate with him on his accession to the crown; it appeared by this resolution, worthy of your prudence, that if you persisted in demanding securities for yourselves, you were sensible at least of the injustice of foreign pretensions, and would for ever avoid the dangerous trouble of intermixing the same with your own interests. So the most christian king passing over your lordships long silence, in relation to the catholic king's accession to the crown, every thing seemed to be in a good disposition towards the establishing of the peace, when the proposals made by your lordships, and those of the envoy of the king of England, gave occasion to judge, that war, rather than peace, would be the consequence of the strict union between that prince and your lordships, which appeared by the conformity of those proposals. You have since protested, that your excessive demands were the effect of a just fear grounded on the king's power, that they ought not to be looked upon as a mark of your confidence in your own strength. But if this fear, so lively expressed once, in the letter your lordships wrote to the king of Great Britain during the session of parliament, was real, if in representing those dangers you were willing to appear encompassed with on every side, you had no other end than to prevent them, the means of doing it were in your own hands; there was no need of bringing so great a number of troops into the field; of buying foreign assistances at a dear rate; of laying

your provinces under water; in a word, of making all the extraordinary preparations that might be necessary for the greatest war. Your lordships had yourselves desired the conferences as a means of securing the peace, and it depended on you to render those conferences useful; the king's intention was never to prolong them by vain difficulties, and to take an advantage from those delays to prepare for war, under a false appearance of peace. His majesty, though strictly united with the king his grandson, has not formed any incident for the Spanish ambassador's admission to the conferences, and has not made use of any pretence to delay the effect thereof; they were begun to treat of the interests of your lordships only. It depended on you to bring them to a speedy conclusion, to find therein the safety of your provinces, the advantage of your commerce, and a perpetual security in the most christian king's friendship: But instead of pursuing the same with your serious endeavours, your lordships have again delayed the conclusion thereof, by desiring that the king of England's envoy should be admitted to confer with the under-written ambassador, and with your deputies: you ought not to imagine that the true motive of this new demand can have escaped the penetration of his most christian majesty. If his majesty opposed it for some time, if he offered to your lordships, that the negociation begun at the Hague for the establishing of the peace, should be carried on under his eye, he acted by the same principle which guides his whole conduct, the sincere desire of removing all the obstacles which those who are enemies to the peace are continually laying in the way: He foresaw the little advantage of the conferences at the Hague; he judged that the difficulty concerning the admission of the English envoy would no sooner be cleared, but some other incident would industriously be formed, which might more effectually serve to perplex the negociation. 'Tis true, he could not well imagine that it would be an easy matter to persuade your lordships to insist upon the pretended satisfaction to be given to the emperor, to take upon you to support the interests of that prince, and to confound them with those of your republic, to set up yourselves for arbitrators between the houses of France and Austria, to determine that Philip IV. had a right and a power to alter as he pleased all the constitutions of his kingdoms; that Charles II., on the contrary, had no authority to recall those same heirs, and to restore by his will the fundamental laws of the crown of Spain. Indeed it was hardly to be believed, that so wise a republic should in favour of the house of Austria, against France, resolve to break those treaties which you have looked upon as the confirmation, and, one may say, the seal of your sovereignty; that you would engage yourselves at the expence of your provinces, the commerce of your subjects, and your wealth, to support foreign interests, when a few months before you had made a quite contrary step in acknowledging the King of Spain: But it seems, that those considerations which formerly would have been of weight with your republic, have given place to newer maxims.

The underwritten ambassador should abuse the confidence which the king his master is pleased to honour him with, should he write to him, that any success were to be expected from the conferences. His majesty has too discerning a judgment to believe it, after the declarations which the King of England's envoy has made on the part, as he says, of the king his master to the said ambassador. Your lordships are informed of the manner in which this envoy has signified to him, that the King of Great Britain would never depart from the interests of the emperor; that he would not enter into any proposals of an accommodation, unless satisfaction were given to that prince. The ties between your lordships and the King of England are too strict, and your lordships have too well made known, that they blindly submit to the sentiments of that prince, that they will follow the measures which he shall think most convenient, to leave room to doubt that they have already taken a resolution to make a like declaration to the most christian king. You have already done it, by declaring, that your deputies could not go on with the conferences, without the intervention of the English

envoy. Does he exclude himself, they are presently suspended. So it would be to no purpose for the most christian king's ambassador, sent only for the sake of these conferences, to make any longer stay at the Hague. If he has not the satisfaction of having fulfilled his majesty's intentions in establishing a durable peace between him and the United Provinces, he will have that at least of having made known that his majesty is willing to contribute all that depends on him to prevent the interrupting of the public peace. That his majesty has taken up arms only for the defence of the king his grandson; that if he had had a design of making new conquests, he might easily have put it in execution, his forces upon the frontiers of your republic afforded him the means to have, without any difficulty, made his advantage of the weak condition you were then in. Your lordships will not be unwilling this should be spoken of, since you yourselves have published it every where; and this truth, which is evident from your own testimony, ought to make you sensible, that it has always depended on you to find in his majesty's friendship, that security which you thought you had lost when you saw the king his grandson advanced to the crown of Spain. If these reflections, which you have yet time to make, cannot prevent the war, the most christian king has reason to hope that God, recompensing the care his majesty has taken to maintain the tranquillity of Christendom, will continue to pour down upon the justice of his cause, the same blessings which his divine providence has heaped upon him during the course of his glorious reign. That those who will dare to attack him, will be made to know by the events, that it is neither his weakness, nor his distrust of his own strength, which hitherto withheld his arms; that they will see that he could have revenged the affronts put upon his flags at sea, have prevented his subjects being seized and treated as enemies by the English and Dutch ships, have hindered the said ships from coming to sound the ports of this kingdom. That it was in his power to have possessed himself of places that were yet without defence, and to have procured to himself very considerable advantages for the carrying on of a war, which he foresaw from the conduct of the neighbouring powers; that if he has passed over these affronts, neglected the advantage he might have drawn from the known superiority of his forces, he has done it only to avoid giving the least occasion to say, that he has acted contrary to the exact observation of the treaties of Ryswick.

The underwritten ambassador wishes that your lordships, being convinced by his majesty's conduct, of the sincerity of his intentions, would, while it is yet time, take such resolutions as may be conformable to your true interest; and though his departure hinders him from having the glory of employing his endeavours therein, he shall always have a concern for the happiness of your republic, after having, during so many years, executed the king's orders near your lordships. Done at the Hague, the 26th of July, 1701.

The Count d'Avaux.

The Answer of the High and Mighty Lords, the States-General of the United Provinces to the Memorial presented to their High and Mightinesses, by Monsieur d'Avaux, Ambassador Extraordinary from his most Christian Majesty, the 26th of July, 1701. Extracted from the Register of the Resolutions of the High and Mighty Lords the States-General of the United Provinces of the Low Countries.

Monday, August 1, 1701.

The report of the Sieurs Van Essen and others, commissioners of their high and mightinesses for foreign affairs, being heard, who, by virtue of their commissorial resolution of the 26th of July last, have examined the memorial of the Count d'Avaux

ambassador extraordinary from his majesty the most christian king, containing the reasons why it would be to no purpose for him to stay any longer at the Hague; as also his said majesty's letter, by which he has thought fit to recal the said Count d'Avaux, mentioned more at large in the acts of the said 26th of July; and the same being debated; it has been thought good and decreed, that the following answer shall be returned to the Count d'Avaux upon his said memorial.

That their high and mightinesses do still think themselves very much obliged to his most christian majesty for his goodness in sending hither the said Count d'Avaux with the character of his ambassador extraordinary; that they were in hopes, and wished, that in the conferences held with him, sufficient expedients could have been found out to have obtained the end and the aim that was proposed by the said conferences, which is, the preservation of the general peace, and a reasonable security for this state: As also that the said Count d'Avaux might have remained here till they had attained the said wholesome end. That therefore their high and mightinesses could not without concern receive the news, that his most christian majesty had thought fit to recal him before affairs were concluded, and brought to a happy and so-much-desired end. The rather, because it seems as if it should be attributed to their conduct, that the negociation had no better success, and that the conferences could not be usefully continued. That their high and mightinesses nevertheless are very certain, that both before and during the negociation, they did all that lay in their power, and all that in reason could be expected from them, to make known the sincerity of their inclinations for the peace, and that they were willing to contribute as much as in them lay to the bringing of the negociation to a good and happy conclusion, because they well understand that nothing can be more for the interest of their republic, than the preservation of the peace, and that their people may enjoy the fruits thereof with a reasonable security: But that they ought to attribute it to the misfortune of the times, that in this affair they could not persuade his majesty of the sincerity of their sentiments; that they still persist therein, and that they hope that at length they shall be yet so happy as to convince him. That when after the death of the last deceased King of Spain, his most christian majesty, instead of keeping the treaty made for the partition of the succession, thought good to accept the will of the said deceased king, and to impart to their high and mightinesses the reasons which had inclined him to do so, their high and mightinesses forthwith made known to his said majesty the reasons why they could not take any resolution in an affair of so great a consequence without having more time; and that afterwards, so soon as the constitution of their government did permit, they offered to enter into a conference with the Count de Briord, at that time ambassador extraordinary from his majesty to them, or with any other whom it should please his said majesty to authorise, that they might jointly find out the necessary means for the maintaining and preserving of the general peace, and the establishing of their particular security. That they made the said offer upon the assurances which his said majesty was before pleased to give them, that he had no other intention than to maintain the peace and public tranquillity, and that he would give them a reasonable security. That afterwards his said majesty having thought fit to send hither the Count d'Avaux, with the character of his ambassador extraordinary, their high and mightinesses, as soon as he arrived, and had notified to them his arrival, immediately appointed deputies to enter into conference, and to agree with him upon the manner how the negociation might be carried on with most benefit and least delay: And because at the same time their high and mightinesses saw by the said Count d'Avaux's memorials, that his most christian majesty with great earnestness desired that the new King of Spain should be acknowledged, they took a resolution to acknowledge him, and testify their desire to entertain and cultivate a sincere and good correspondence with him; declaring at the same time, that they were ready to pursue the negociation with

their most christian and catholic majesties, with the intervention of his majesty of Great Britain, to treat together of the most proper means for the preservation of the general peace and tranquillity, and the establishing of their particular security; and that in such a manner, together with the intervention of such other princes and potentates as should be thought most useful and necessary for obtaining the wholesome ends proposed. That their high and mightinesses made this recognition after the overture of the conferences, in the first place to give an essential mark of their love for the peace, and after that, in consideration that the end of the negociation might be attained as well after as before they should have acknowledged the King of Spain. That these reasons among others having been the true motives of acknowledging the King of Spain, they consequently have done no prejudice to the intervention of his majesty of Great Britain, as one of the contracting parties in the Treaty of Partition, nor to that of other princes and potentates concerned in the preservation of the general peace. Moreover, that by this proceeding they have not taken any cognizance of the justice or injustice of the pretensions of a third party, nor have separated their interests in respect of the general peace from the interest of those who are equally concerned with them, as seems to be inferred in the same memorial. That their high and mightinesses having acknowledged his said catholic majesty, in hopes that for that reason the negociation would have been so much the less delayed, they represented to the said Count d'Avaux, in the first conferences, that since by the acceptation of the will of the deceased King of Spain, his most christian majesty had departed from the Treaty of Partition, wherein their high and mightinesses thought to have found their security, as well in respect of the general peace as their own private safety, and since his most christian majesty had represented to them, that by means of the said will, as well as by the way of the Treaty of Partition, the end expected from the said treaty might be attained; they expected from the said Count d'Avaux, and requested him, that he would make overtures and proposals, by which they might see how the public peace and repose would be now secured, and their particular safety warranted. But the said Count d'Avaux refusing more than once to explain himself upon this head, insisted, that the proposals that were to be made should be given in by their high and mightinesses. That their high and mightinesses having consulted thereupon with his majesty the King of Great Britain, they settled the proposals, which the deputies put into the hands of the said Count d'Avaux, at the same time that Mr. Stanhope, envoy from his majesty of Great Britain, delivered his proposals to him. That their high mightinesses are extremely surprized to see that it should be alledged, 'That those proposals should give occasion to judge, that war rather than peace would be the consequence of the strict union between his majesty of Great Britain and their high and mightinesses:' That they cannot apprehend what ground there is to such an inference. That their high and mightinesses never knew otherwise, than that his majesty of Great Britain has given upon all occasions sufficient proofs of his love for the peace: That they are strongly tied to his said majesty by strict alliances, contracted several years ago, for their mutual security and defence; that his said majesty, moreover, was one of the principal parties in the Treaty of Partition; that they declared before they settled and gave in their proposals, that they thought it necessary to act in concert with his said majesty in this negociation, as well for the reason alledged as because of the relation his said majesty has with their republic. That no reflection was ever made thereupon, and therefore they must repeat it again, that they cannot apprehend upon what ground it can be said, 'That war rather than peace would be the consequence of the union between this prince and them, in this affair.' That their high and mightinesses are very sorry, that his most christian majesty, having received their proposals, thought it not fit to answer them: That they have often heard, that their proposals were taxed with being excessive, but that it was never made out as yet wherein this excess con-

sisted, which might have served for matter to the negociation. That the preservation of the general peace, and the establishing of the particular security of this state, were the foundation upon which the whole negociation rested: That it is evident, that the public peace cannot be preserved, without satisfaction given to the emperor, whose pretensions are so well known, that in the Treaty of Partition it was regulated, with the approbation of his most christian majesty, after what manner the same should be satisfied: That his said majesty having departed from the Treaty of Partition, their high and mightinesses demanded a reasonable satisfaction for his imperial majesty, and that the same time be agreed upon with him, the whole in general terms: That there is nothing that can be called excessive in this article of their demand; and as to what they have demanded for their particular security, which they declared more at large, that they are well persuaded that every unbiassed person will judge, that what they have demanded is not sufficient even to give them a security like to what they had before the decease of the last King of Spain, or should have obtained by the Treaty of Partition. That if fear had any part in the affair, their high and mightinesses believe they had just grounds of apprehension; that their reasons, moreover, were grounded, not only upon their particular sentiments, but also upon the sentiments of their friends and allies, who made no scruple to send them the assistance which they were bound to do in case of necessity, by virtue of their defensive alliances: Besides that the ground of their fears appeared sufficiently from what is said toward the end of the said memorial, where their weakness is declared at large. That if it had been in their power to have freed themselves from this perplexity, without betaking themselves to their arms, without seeking new alliances with those from whom they expected assistance in case of necessity, and without drowning their country, certainly they had done it: That they should not scruple to refer themselves to the knowledge which the said Count d'Avaux has of the constitution of their government, whether it would not be very easy to convince him, and even whether he be not of opinion, that all which they have done to put themselves in a condition of defence, that they have done it only because they were entirely convinced of their danger, that they sincerely declare that they desire nothing more than to be able to free themselves from it with some security, the sooner the better. That with this prospect their high and mightinesses demanded conferences, to the end that the peace being secured, their dangers might also cease. That if it had depended upon them to render the conferences useful, certainly they ere now would have had a happy success: That they are heartily sorry for the difficulties which obstructed them: That they freely acknowledge that the most christian king did not form any incident for the admission of the King of Spain's ambassador to the conferences, neither should their high and mightinesses have opposed it, having declared more than once that they were content the said ambassador should be admitted to them. And as for what concerned the admission of the envoy of his majesty of Great Britain, and the delays of the negociation occasioned thereby, that their high and mightinesses have shewed before, that from the beginning they always looked upon the intervention of his majesty of Great Britain in the negociation, and the admission of his minister to the conferences, to be necessary. That without doubt the said Count d'Avaux must remember that at the beginning there was no dispute about it, unless it were in respect of rank and place to be observed in the conferences, which was regulated without any contest, so soon as the parties had given each other the satisfaction that was required; so that when the proposals were delivered into the hands of the Count d'Avaux, the envoy of England was present at the conference, and delivered his without any difficulty. That their high and mightinesses were in hopes that this matter would never have given occasion to any scruples, since his majesty of Great Britain, being so highly concerned in the success of this negociation, in respect to the Treaty of Partition, the general peace, and

the particular security of his kingdoms, he could not be excluded out of the negociation. That the difficulties which afterwards occurred upon this subject, did not proceed from their high and mightinesses, but had their spring from hence, that the said Count d'Avaux, in his most christian majesty's name, began to oppose the admission of the English envoy to the following conferences, upon the same foot as before; that this is the reason why the conferences have been suspended for a long time, to the great grief of their high and mightinesses, who in this negociation could not any ways separate themselves from England. So that as the cause of this delay cannot be attributed to their high and mightinesses, and it being so just and reasonable that the envoy of his majesty of Great Britain should not be excluded from the conferences, they believe they have sufficiently answered every thing that is alledged in this memorial upon that head. That they ought to acknowledge also, that his most christian majesty had reason to expect, that they would insist upon satisfaction to be given to the emperor, since that point was the first article of their demands; but that their high and mightinesses do not remember that they ever gave the least occasion to presume, that they went about to make themselves arbitrators between the houses of France and Austria, and to decide whether or no the two last kings of Spain, Philip IV. and Charles II. had a right to alter the constitution and fundamental laws of the crown of Spain. That they beseech his most christian majesty to call to mind and consider, how that before the decease of he last King of Spain, the state of his health having been for some time very languishing, his most christian majesty, as well as his majesty the King of Great Britain, and their high and mightinesses judged it necessary to prevent the misfortunes which they had reason to expect after the death of that prince without issue, since the overture of the succession would infallibly occasion a new war, if his most christian majesty maintained his pretensions, those of the dauphin, and his posterity, to all the Spanish succession; and that the emperor would also make good his pretensions, those of the King of the Romans, of the archduke his second son, or of his other children, to the said succession: That these reasons inclined his most christian majesty, his majesty of Great Britain, and their high and mightinesses, to conclude the treaty so well known, concerning the succession of the Spanish monarchy. That as their high and mightinesses as to themselves, when they entered into the said treaty, never presumed to make themselves arbitrators of the differences between such great princes as the emperor and the King of France, but only endeavoured to contribute to an agreement between the parties concerned, to the preserving of the peace, and preventing a new war, by a regulation of the said succession, wherein his most christian majesty then concurred with them, and wherein they flattered themselves that the emperor would also have concurred in like manner; they neither desire nor aim at any thing, more than that a way may be found out to procure the emperor a reasonable satisfaction, in regard of his pretensions, to which at that time so much consideration was had: That since this cannot be effected upon the foot of the Treaty of Partition, other ways may be found out, that the peace may be preserved, and a new war prevented. That in this their high and mightinesses cannot be charged with maintaining foreign interests, since they only insist upon the same principles now that the case is in being, which his most christian majesty himself judged to be just and necessary before the case had happened. Nor can it any more be imputed to them, that they have made any step contrary to their proceeding, in acknowledging the King of Spain, since that proceeding does not hinder but that reasonable satisfaction may be given to the emperor. That they acknowledge the King of Spain, to remove, as much as it was possible, all obstacles that might retard the negociation for the general peace, and their particular security; seeing, that according to their opinion, neither the general peace can subsist without giving the emperor satisfaction, nor their particular security without the general peace, as they have formerly alledged. That if the prudence of their high and

mightinesses be so great as is attributed to them, his most christian majesty ought to be fully convinced, that they will do nothing to the prejudice of their provinces, of their trade, and of their wealth, but what they are persuaded is entirely necessary for their preservation. That they are certain they have done nothing by which it may be said, 'They have broken those treaties, which would be as it were the confirmation and seal of their sovereignty:' That they do not well understand what is meant by this: That their provinces have been always accounted free and sovereign provinces: That their ancestors have defended their liberties against the violence of foreigners, at the expence of their estates and their lives, and that they are bound and resolved to do the same: But they live in hopes that nobody will question their liberty and their sovereignty, and much less molest them in the enjoyment thereof: That they never sought, nor do they seek, to enlarge their limits; but they are only employed in defending their rights and their possessions, and in endeavouring the preservation of the peace and tranquillity with and between their neighbours: That these are the true principles and real maxims of their republic, wherein they acknowledge no change or alteration. That their high and mightinesses are much concerned the said Count d'Avaux expects so little success from the conferences, that he durst not write about it to the king his master, by reason of the declaration which Mr Stanhope made to him touching the satisfaction to be given to the emperor. That they cannot deny but that both his majesty of Great Britain and themselves are of opinion, that it would be just that the emperor's satisfaction should be treated of as one of the means that ought to be made use of for the preservation of the general peace, and their particular security. That this is no new proposition; that it was advanced in the proposals delivered to the Count d'Avaux, as well in the name of his majesty of Great Britain, as of their high and mightinesses, who have expressly demanded, that the emperor should be invited into the negociation, that the satisfaction to be given him might be there agreed upon, which is the same thing they now demand. That in like manner their high and mightinesses cannot acknowledge that they blindly submit to the sentiments of his Britannick majesty, as they are said to do; but that they have a great deference for his advice, because they are fully persuaded, that his majesty is very much inclined to the maintaining of the peace and public tranquillity; that they are absolutely convinced, by an infinite number of proofs, that his majesty seeks nothing more than the welfare of their republic, and very much rely upon his prudence and experience; besides that they have very strict ties with that prince, as King of Great Britain, that they cannot separate from him. That if the conferences must be suspended by reason of the said Mr Stanhope's declaration, and because of the conformity of their high and mightinesses sentiments with those of his majesty of Great Britain in this affair, they shall look upon it as a very great misfortune; but if his most christian majesty had thought good to continue the conferences, and to suffer the emperor's satisfaction to be there treated of, they should have hoped that in the end matters might have come to a good and wholesome conclusion; and that the said Count d'Avaux might have departed with the satisfaction of terminating an affair of the greatest importance, wherein he has already taken so much pains. That nevertheless their high and mightinesses live in hopes that the said Count d'Avaux, having seen, during his residence here, the sincerity of their sentiments for the peace, and their respect and esteem for his most christian majesty and his friendship, will, upon his return, remove all those evil impressions that may have been made upon his said majesty, to the prejudice of their conduct. That their high and mightinesses can truly declare, that they know not of any cause of jealousy they may have given to his said majesty since the conclusion of the last peace: That 'tis true they have been forced to arm in their own defence, but they did not begin to do it till after they saw their barriers in the Spanish Low Countries, which had cost them so much pains and so much money, which are so necessary for them, and which his

most christian majesty himself thought formerly so important to their republic, possessed by his majesty's forces; till their forces, which, to remove all occasion of jealousy, they had recalled, were detained there; and till they had seen what great preparations of war were making in those parts. That their high and mightinesses cannot deny but that besides the great preparations which gave them umbrage, they could not but be very jealous of the strict union between France and Spain, and the effects which they see do daily result from the same, notwithstanding they had entered into the Treaty of Partition, for this reason among others, to prevent the giving of any jealousy, by the uniting of too many dominions. That their high and mightinesses formerly declared, that their opinion of his most christian majesty was, that whether he began a war or continued the peace, he would not regulate his actions according to his power, but according to reason and equity; which is still their opinion, since otherwise none of his neighbours could ever be secure. That their high and mightinesses know the value of his majesty's friendship, for which reason they have always sought it, and desire nothing more earnestly than to preserve it by all possible means, together with the general peace, and a reasonable security for their state: That if notwithstanding all their care, and all the pains which they have taken to this effect, they must undergo a war against their wills, and contrary to their inclinations, they cannot charge themselves with omitting any thing they ought to have done to avoid it; and this will be their comfort in their misfortune; with hopes that God, through his divine goodness, will afford them his almighty assistance. That their high and mightinesses cannot forbear saying, that they are much concerned to find themselves accused, as if their men of war, in conjunction with the English, had affronted his most christian majesty's flag, seized his subjects, sounded his ports, and fired upon the French vessels. That their high and mightinesses having for his most christian majesty a very great respect, they have always endeavoured with all the circumspection imaginable to preserve to themselves the honour of his friendship: That if by accident, or otherwise, any of their subjects may have done any thing to the prejudice of his said majesty or any of his subjects, they are ready to make all due reparation, and to give his said majesty all the satisfaction that he can reasonably desire. That though they have no knowledge of what the English vessels may have done in that particular, nevertheless they make no question but that his majesty of Great Britain is in the same disposition as their high and mightinesses to give his most christian majesty reasonable satisfaction, in case his English subjects had done any wrong to the subjects of France. That so far as these things may concern their high and mightinesses, they never received any information of any thing done, that could deserve the name of an affront, unless the same be applied to an accident that came to their knowledge, not by way of a formal complaint, but indirectly, which happened between one of their men of war and two French ships, not far from Genoa, in the month of April last: That the truth of the fact, as far as they can learn, is, that a man of war belonging to this state, called the Sun, being convoy to certain merchantmen in the Mediterranean, and being separated by bad weather from the ships under his protection, and being left alone for some days, had sight off of Monoca of a bark coasting along the shore, not knowing of what nation she was: That the captain, to the end he might speak with her crew, and enquire about the ships that were parted from him, gave the usual signal by firing a gun; upon which the said bark making the best of her way, he sent out his shallop after her; but the bark's crew quitted their vessel, betook themselves to their shallop, and escaped ashore, leaving only two men aboard, who gave an account, that it was a French bark, and that their companions had made their escape, believing that the States man of war had been a Turkish ship. But after the captain had shewed them their mistake, the bark was released; but that a gun laden with ball was nevertheless fired from the city of Monaco. That two days after the same captain met a little

frigate, and endeavoured to speak with the ship's crew for the same reason; to which end making up to her, he put out white colours, and fired a gun for a signal, but the frigate retired under the walls of Monaco, from whence several guns were fired upon the man of war, though for what reason the captain could never tell. That this relation, containing all their high and mightinesses could learn to this hour of the matter, so inconsiderable an action, which it seems was a mistake, ought not, in the opinion of their high and mightinesses, to be looked on as an affront offered to his said majesty's flag. That except this, they declare that they do not know that their men of war ever did any thing that so much as resembled an affront put upon his said majesty's flag, or the seizing his subjects, sounding his ports, or firing upon the French vessels. That their high and mightinesses never having been informed of any such thing, they cannot believe that his majesty can have conceived or can retain any displeasure against the republic for the inconsiderable and accidental meeting of the forementioned barks. That as for what remains, their high and mightinesses have taken, and always will take care, religiously to observe their treaties, particularly their treaties with his most christian majesty; and shall at all times take those resolutions, by which they may preserve the honour of his friendship and affection; and as much as it depends on them, facilitate the general peace; so as they may find their particular security therein. That it being said more than once in the said memorial, that their high and mightinesses have still time to resolve, it would be a satisfaction to them that the said Count d'Avaux should remain here some time longer, to the end they might have an opportunity to continue the conferences for a general peace and for their private security, and to bring them to a happy conclusion: That therefore their high and mightinesses, before they take their leaves of the said Count d'Avaux, and before they deliver to him their recredential letter in answer to his said majesty's letter, have taken this resolution to serve for an answer to his memorial: And so the extract of the present resolution shall be delivered him by the agent Rosenboom.

Signed, W. Van Haren.

It agrees with the said Register.
F. Fagel.

An Account of the Proceedings against Dr Titus Oates, at the Quarter-Sessions held in Westminster-Hall on Thursday, July the 2d, 1702, for scandalizing and assaulting Mrs Eleanor James; and of his being found guilty and fined for the same. To which is added Mrs James's Case relating thereto.

This disgraceful brawl is the last occasion on which the portentous name of Oates has met our eyes. Mrs Eleanor James was a printer's widow; her picture is to be seen at Sion College, in the library, to which she bequeathed many books. She wrote, in the reign of James II., "A Vindication of the Church of England," in answer to the celebrated tract entitled, "A New Test of the Church of England's Loyalty." Mrs James is mentioned as an authoress in Dryden's preface to the second part of the Hind and Panther.

On Thursday last, being the 2d instant, July, Dr Titus Oates, and Mrs Eleanor James, had a hearing at the quarter sessions held for the city of Westminster, relating

to an assault that was made by the said Titus Oates on the body of Mrs James: As also for several scandalous and reflecting expressions, the particulars of which were to this effect,—That the plaintiff, Mrs James, happening to meet the said Oates some time since in the Court of Requests, where, only asking him some modest questions, he was so enraged, that in a violent and riotous manner struck her on the head with his cane, putting her in bodily fear; and not only so, but attempted to repeat his blows a second time, though prevented; after which, her counsel having declared the customary scandals that the defendant had been guilty of, as well against the dead as living (besides the matter in question) and of the evil consequences that has attended them. Mrs James's evidence were called, who made it appear, that Oates had assaulted her as aforesaid; has also proved the said reflecting expressions, though Oates's counsel endeavoured to insinuate that she made the first assault, by pulling him by the sleeve; but it being made appear that her taking him by the sleeve was done by way of admonition, in a friendly manner, without the least appearance of anger, the court, after some consideration, gave it in favour of Mrs James, and thereupon was ordering a considerable fine to be paid by the said Titus Oates, for committing the said assault and scandal: But upon the doctor's acknowledging the crime, and promising to refrain from such like scandals for the future, and withal alledging he was above a thousand pounds in debt, and consequently incapable to pay a large fine, but must be obliged to lie in prison all his life for its payment; and upon his engaging that he would never affront, scandalize, or assault Mrs Eleanor James, or any other person whatsoever, in the like nature any more, he was only fined six marks and dismissed the court, but not without a severe check for acting so irreverently and unbecoming his profession.

The chief Heads of Mrs James's Case, relating to the Occasion of her differing with Titus Oates, as abovesaid.

Mrs Eleanor James having heard the abovesaid Oates speak very disrespectfully of King Charles II. and also of the word of God, she was troubled to see him wear the canonical habit, and therefore, meeting him in the Court of Request (as abovesaid) she asked him why he presumed to wear the robes of the church, when he knew himself an Anabaptist? In answer to which he returned her (as a mark of his favour) a dreadful blow on the head, and had he not been prevented by a gentleman (something civiler than himself) he would have repeated his strokes; upon which she was pleased to petition the House of Lords about it, to this effect, viz.

'I humbly entreat your lordships, for the love of God, and for the sake of religion (to which Oates is a scandal) to forbid him wearing the gown, and order his cane to be burnt, that it may no more be an instrument of mischief. And as it is in your lordships' power to lessen his pension, he having 300l. per annum; if part of that was given to poor ministers' widows, it would glorify God, and bring a blessing on your lordships and the nation: Indeed he was made an instrument to discover the Popish Plot, and had he kept to truth, he might have done some service; but telling lies which the king knew to be such, made him not believe what might be true, and so thought his brother and the Roman catholics were injured, so that Oates was an instrument to carry the plot on under the pretence of preventing it: And this is the man who some has idolized as saviour of the nation.

'I wish it was seriously considered what great evils such scandals do, especially when it happens upon magistrates, to asperse them with popery when they are innocent; for by that notion the Jews destroyed Christ, pretending he would bring in the Romans; and King Charles the First fell under that malicious pretence, &c. Therefore, seeing lying does so much mischief, it ought to be severely punished.'

And in another paper she says thus:

'Is there any reason (quoth she) I should be scandalized and abused for my innocent intentions and good endeavours, by Oates, that uncircumcised Philistine, whose actions are as black as hell, one whom justice, for the blackness of his crime, excluded him from the common benefit of mankind, that his oath might not be taken in any court of justice?

'And was it a crime in me to take him by the sleeve and ask him a question, when I have taken kings, princes, and governors by the hands? Sure he showed himself more like a devil than a doctor, in endeavouring to beat out my brains with his cane; therefore I think there's not any man that has any sense of God and goodness can be on his side; for what is worse than a lying tongue? St James says, "It is set on fire of hell." And Christ compares false teachers to devouring wolves, and Dr Oates is known to be such, and why should he wear the church livery? I hope all good men will be against it. And as I am innocent of all his accusations, so I desire I may obtain justice; for all hope now to see justice appear in her perfect beauty, and that lying will not be encouraged, nor perjury rewarded.'

It was signed ELEANOR JAMES.

England's Path to Wealth and Honour; in a Dialogue between an Englishman and a Dutchman. 1700.

LUKE v. 4. Launch out into the deep, and let down your nets for a draught.

To the most noble Thomas Duke of Leeds, Marquis of Carmarthen, Earl of Danby, Viscount Latimer, Baron Osborne of Kiveton; and Knight of the most noble Order of the Garter; Governor of the Royal Fishery of England.

May it please your Grace,

No person having spent more money and pains than your grace to re-establish the fishery of England, I presume to dedicate to you the following dialogue: Not that I have the vanity to believe this my poor mite can make any addition to your grace's great treasure of knowledge; but as believing the fact in this little book contained, so true, it might safely appear before the best of judges.

With all respect I am,

Your grace's most humble, most faithful,

Most obliged, and most obedient servant,

JAMES PUCKLE.

PREFACE.

THE highlands of Scotland, Wales, Biscay, Switzerland, and other countries, (not worth the conquering) continue still in possession of their aborigines:

Whereas England, being a country (as was said of the tree of paradise) good for food, pleasant to the eyes, and to be desired, hath been possessed by five several nations, and coveted by many more.

Yet view its coasts, they all appear bold, and but thinly inhabited, and the civil wars of our island having occasioned the demolishing its strong-holds, in case of an

attack how can we be defended against foreign powerful enemies, but by a naval power?

Allowing us masters of more tall ships than any of our neighbours, what security can a numerous navy afford, if mariners be wanting?

Whether England wants mariners best appears by our turning them over from ship to ship, by our long, long embargoes, and yet excessive charge in pressing, (and by so many of our ships being lost during the late war) for want of their complement.

Nor can the number of our seamen be readily increased with establishing a fishery. For men of war and merchantmen spend many mariners and breed few; the great and best nursery for seamen is the fishery; where each dogger brings up (it may be) six, eight, or ten new men every year, and the fishermen's business lying where our ships' danger lies, makes them know how the sands shift, where the rocks and shelves are, consequently most able coasters and admirable pilots.

Besides, by frequent riding out great storms in small busses and doggers, fishermen become so steeled and habituated to danger, that in tempests and engagements they work wonders; and the fish lying upon our own coasts, the men we employ to catch them (though out of his majesty's pay) will be ever at hand, and so ready for service, as to make our watchfullest enemies despair of surprizing us.

Again, 'a due care for our poor is an act of great civil prudence and political[1] wisdom, for poverty in itself is apt to emasculate the minds of men, or at least it makes men tumultuous and unquiet; where there are very many poor, the rich cannot long or safely continue such; necessity renders men of phlegmatick and dull natures stupid and indisciplinable, and men of more fiery or active constitutions, rapacious and desperate.'

The poors rates of England (besides voluntary charity) amounts to near a million per annum; by which it is evident, what vast numbers of beggars and idle persons live upon the public without return of labour for their bread; now beggars children (if not destroyed in the womb, or at their birth) being bred up in want and laziness, become of unhealthful bodies, and more than ordinary subject to many loathsome diseases, whereof abundance die in their tender age; and such as attain to riper years, by idle habits contracted in their youths, are rendered for ever unapt and undisposed for labour, and serve only to stock the kingdom with thieves and beggars: So that without a due care for relief of our poor in a way of industry, they'll daily increase.

Suppose, to employ our poor any one manufacture be encouraged, it may perchance remove the present trade of one city or county to another, and occasion such complaints as the button-makers (not long since) made against cloth buttons, yet leave the generality of the poor destitute of a convenient support and provision.

Nay, could we at once encourage every manufacture in England, increasing our manufacture, and not our food, would only lessen the misery of our present poor, by sharing it among all the people in the kingdom.

The most effectual expedient then to employ our poor, is to establish a fishery; which, by affording them at once both food and employment, would quickly turn the great burthen of our nation into an equal benefit.

Much more might be said to this purpose; but at present shall only add, that within thirty years past, our active neighbours the French have increased their navigation to a proverb; given Europe much disquiet, and cost England (in particular) abundance of blood and treasure. But had not Englishmen been guilty of more than Spanish sloth in not putting forth their hands to take that rich blessing, (the fishery) which Providence by placing upon our coasts, courts us (as it were) to receive, all our sovereigns

[1] L. C. Justice Hale, in his Discourse touching Provision for the Poor.—*Orig. Note.*

(as well as Queen Elizabeth,) might have bounded the numbers of the French fleet, and by the blessing of God have been

Pacis Europæ Arbitri, Maris Domini et Vindices.

A new Dialogue between an Englishman and a Dutchman.

D. M. Good-morrow, friend; what art musing on?

En. M. Considering the extent of these your dikes, I was thinking what excessive charge and pains Holland is yearly at to defend itself against invading waves: Whereas the sea that encircles happy England (barrier-like) fenceth it against surprise and ravages, exempts us from the charge and terror of garrisons and fortifications, and (with our floating castles) continues to us that quiet liberty and security the rest of Europe more or less have lost.

D. What though England be fenced in by the seas, happier Holland hath a mighty ocean of wealth to defend it, and money, you know, is the sinews of war.

E. The cold winds (being moistened by the vapours, or softened by the warmth of the sea's motion before they reach our islands) are less fierce, and the air is far more mild and temperate, if not more healthy, than any part of the continent under the same climate; so that we have no necessity for grottos in summer, or stoves in winter.

D. In my opinion, that country is still happiest that is stored with the richest growths and products for traffic and commerce, and air ever best where most money is stirring; for poverty and want will render people unhealthy in all climates.

E. England abounds with mines, rocks, pits and quarries of alabaster,[1] antimony,[2] ardois,[3] black-lead,[4] chalk,[5] chrystal,[6] tobaccopipe-clay,[7] coals of divers sorts,[8] copper,[9] fullers earth,[10] freestone,[11] iron,[12] lapis calaminaris to make brass,[13] loadstones,[14] lead,[15] marble,[16] milstones,[17] plaister harder than that of Paris,[18] potters-oar,[19] slate,[20] salt,[21] steel,[22] tin,[23] whetstones,[24] &c.

Upon its coasts are found amber,[25] ambergrease,[26] abundance of copperice stone,[27] jet,[28] pearls,[29] fine pebbles,[30] transparent like diamonds; also flint, varrack, &c. to make glass: Besides (not to mention the rich commodities yearly imported from its fruitful plantations, that are to it as so many mines of treasure,) England affords plenty of corn, cattle, fowl, fruit, pulse, leather, wool, &c. whereas, Holland produceth nothing but a few hops, madder, butter, and cheese.

D. The whole product of your island is nothing, when compared to the golden mines[31] of our provinces, which have yielded us more treasure than the mines of Potosi, or both Indies to Spain.

[1] Darbyshire, Nottinghamshire, Staffordshire.
[2] Darbyshire.
[3] Cornwall.
[4] Cumberland.
[5] Sussex.
[6] Darbyshire.
[7] Dorsetshire,
[8] Carmarthenshire, Cumberland, Durham, Lancashire, Leicestershire, Northumberland, Shropshire, Staffordshire, Yorkshire.
[9] Cornwall, Cumberland, Darbyshire, Staffordshire, Yorkshire.
[10] Bedfordshire, Surrey.
[11] Dorsetshire.
[12] Darbyshire, Durham, Gloucestershire, Hampshire, Shropshire, Staffordshire, Warwickshire.
[13] Somersetshire.
[14] Devonshire.
[15] Cardiganshire, Carmarthenshire, Derbyshire, Devonshire, Durham, Staffordshire, Yorkshire.
[16] Darbyshire, Dorsetshire.
[17] Anglesey, Cheshire, Darbyshire, Flintshire.
[18] Nottinghamshire.
[19] Carmarthenshire.
[20] Cornwall.
[21] Cheshire, Cumberland, Worcestershire.
[22] Gloucestershire.
[23] Cornwall, Devonshire.
[24] Darbyshire.
[25] Norfolk.
[26] Cornwall.
[27] Whitstableshallow.
[28] Norfolk.
[29] Cumberland.
[30] Cornwall, Gloucestershire.
[31] So the Dutch, in a proclamation 1624, styled the fishing trade.—*Orig. Notes.*

E. The golden mines of your provinces; pray where do they lie?

D. In Neptune's store-pond, which the English call their seas.

E. Our famous Edgar, with a navy of four hundred sail, vindicated his dominion on our adjacent seas, and records mention his successor Canutus to have laid that ancient tribute called *danegelt*, upon all (whether strangers or denizens) trading on our coasts or seas.

Egbert, Althred, and Ethelfred, all stiled themselves supreme lords and governors of the ocean, surrounding the British shore.

King John[1] challenged the honour (or rather duty) of the flag, universally paid us, not barely as a civility, but as a right (*debità reverentiâ*) acknowledging our title and dominion.

The famous record entitled *Pro hominibus Hollandie*, shews how obsequious your ancestors were, not only in acknowledging[2] Edward the First's dominion on the sea, but craving his protection and permission to fish on the coast of England: And had not the sovereign of the British seas, in fact, been in the crown of England, why did the Earls of Holland petition Edward the Third[3] (and the French our Henry the Sixth[4]) for leave to fish therein? And why did your skippers[5] use to purchase license from Scarborough Castle, before they presumed to cast a net upon the north coast of England? Wherefore did Philip the second of Spain,[6] obtain license of Queen Mary for his subjects to fish upon the north coast of Ireland for the term of twenty-one years, for which was yearly paid one thousand pounds into the exchequer of Ireland, as by the records appear?

D. A fig for your mouldy records: I say the sea is as free to fish in as——

E. ——As the roads of Holland are to travel in, where both natives and foreigners are forced to pay passage ghelt.

D. Don't interrupt me, sir; I say, the sea is as free to fish in as the air to breathe in; who doubts it, may read our great Hugo Grotius's *Mare liberum.*

E. Grotius, in his Sylvæ upon the Inauguration of King James, (before he was perverted by the importunities of his countrymen) speaking his thoughts freely, says,

——Tria sceptra profundi
In magnum coiere ducem.

The rights of the English, Scottish, and Irish seas, are united under one sceptre; neither is he satisfied with that bare profession:

Sume animos à rege tuo qui dat jura mari.

Take courage from the king that giveth laws to the seas.

And in the same book, in the contemplation of so great a power, he concludeth:

Finis hic est qui fine caret, &c.

This is an end beyond an end, a bound that knows no bounds, which even the winds and waves must submit to.

And if you remember when King James observed your encroachments, he enjoined his ambassador, Sir Dudley Carleton, to expostulate it with your states, as may be seen in Mr Secretary's letter,[7] wherein he tells them, 'That unless they sought leave

[1] *Anno* 1200.
[2] *Anno* 1295.
[3] Rot. Par. 23. Ed. Ist. memb. 5.
[4] Rot. Par. 22. Ed. IVth. memb.
[5] Camden's Britannia.
[6] 1552.
[7] 21st Dec. 1618.—*Orig. Notes.*

from his majesty and acknowledged his right, as other princes had done, and did, it might well come to pass, that they who would needs bear all the world before them by their *mare liberum*, might soon endanger their having neither *terram, nec solem, nec republicam liberam*:' So much did that wise prince disdain to be wraugled out of the antient rights and regalities, inherently annexed to his crown, by the subtle arguments of wit and sophistry.

D. Don't tell me of King James; I say, that the sea is free for every body, and defy you to shew the contrary.

E. Why then do the Venetians exercise dominion in the Adriatick, and the Tuscans lord it in the Tyrrhene seas? How comes it to pass that all your skippers pay toll to Denmark for passing the Sound, and to Sweedland for sailing in the Baltic? Wherefore doth the republic of Genoa let to farm the fishery for Teunies in their neighbouring seas; and the Emperor of Russia compel all fishermen (within his seas) to pay him tribute? How is it that the like is done by the Duke of Medina Sidonia in Spain, and by all the princes of Italy bordering on the seas? Nay, wherefore do the Dutch stile themselves lords of the southern seas, and allow far less liberty in India than they take upon the English coasts?

But to wave this dispute: Pray, sir, how many labourers have you in your golden mines as you called 'em?

D. Upon taking an account of the several trades and employments, by which the Dutch subsisted, in order to find which best deserved the protection and encouragement of the public, it appeared that in *anno* 1668, the subjects of the States-General were two millions four hundred and fifty thousand,[1] of which (besides those employed in the inland fishery) four hundred and fifty thousand were then maintained by fishing at sea, and the traffic depending thereon; since which time we have much increased the numbers of our fishing busses and doggers, to the great encouragement of our navigation, and all trades depending on the fishery.

E. Which are they?

D. Anchorsmiths, bakers, ballastmen, basket-makers, blacksmiths, brewers, butchers, carpenters, caulkers, clapboard-splitters, compass-makers, coopers, duck-weavers, hemp-dressers, hook-makers, hoop-slitters, joiners, line-makers, mariners, mast-makers, net-makers, net-tanners, plumbers, pully-makers, pump-makers, rope-makers, sail-makers, sawyers, ship-chandlers, ship-wrights, tallow-chandlers, thread and twine-spinners, &c. to the no small profit of the makers and venders of all materials, tools and utensils belonging to those trades, and of all tradesmen that make or sell culinary wares, bedding, cloathing, &c. for mariners; to which may be added, packers, tollers, dressers and couchers to carry, sort, and make the herring lawful merchandize; also porters, carmen, &c. in a word, you can hardly cast an eye upon any sort or condition of people, but are the better for our fishery, and the community most of all.

E. Pray where and at what times of the year, do you fish for herrings?

D. In the beginning of June, the herring rising about two leagues off Cranehead (the outermost part of Bratio-sound,) stay there about fourteen days, thence to Farry Islands (seven leagues to the southward of Shetland,) round which they remain one-and-twenty days, thence to Buffinness, (about thirty leagues to the southward of Farry Island,) the fishing place is called Buffin-deeps, and is twenty leagues to the northward of the firth, where the herring abide about fourteen days, in the fishing ground under Chivit-hills and Chivit-chace about fourteen days, thence we follow them to the Dogger-bank, where they stay about thirty-seven days; about the beginning of September, they come into Yarmouth seas, where they continue near seventy days, from

[1] Pol. Gron. et Maxims Van Holl. p. 43.—*Orig. Note.*

whence they fall to the southward, followed by small fishermen, it being dangerous for busses.

E. What quantities of fish are yearly taken by the Dutch?

D. About [1] three hundred thousand lasts.

E. This confirms Sir Walter Raleigh's observations presented to King James, [2] and shews that the learned Sir John Burroughs, in his Sovereignty of the British Seas, upon good grounds affirmed that the fish yearly taken by strangers upon our coasts, did amount to [3] above ten millions of pounds sterling: But pray, sir, where have you vent for all your fish?

D. At Artois, Brabant, Bremen, Cleveland, Cologne, Dantzick, Denmark, Elbin, Embden, Flanders, France, Frankfort, Germany, Gulickland, Hamburgh, Hainault, Holstein, Italy, Liefland, Lithuania, Lubeck, Nerva, Norway, Poland, Pomerland, Portugal, Prussia, Quinsbrough, Revel, Riga, Russia, Spain, Stade, Stratten, Sweedland, &c.

E. Are you never afraid of glutting the markets?

D. No more than we are that people will leave eating, great part of the trading world being yet unserved, which is the reason we yearly so much increase the number of our doggers.

E. What returns are made for your fish?

D. Alum, armour, baratees, and other Frankfort commodities, brandy, bullion, clapboard, coin, corn, copper, currants, and other grocery wares, damasks, deal-boards, dollars, flax, fruit, furs, fustians, glass, hemp, honey, hulsop, iron, lace, linen, millstones, oil, pitch, plate, pot-ash, prunes, rashes, resin, sarsenets, sattins, silks, skins, steel, tapestry, tar, timber, velvets, wainscots, wax, wines, and other things in abundance; the exporting of which commodities again to other countries, gives our ships full employment, so that they need not go in ballast to seek freight, but by the profit of our outward-bound voyages are enabled to serve foreigners so cheap, as to render us the common carriers of the world, consequently masters of the most certain profit in trade; for when the ships arrive safe in harbour, though merchants happen to lose by their goods, yet seamen are paid their full wages.

Besides by continual bartering of such exports, Holland is rendered the mighty storehouse, and empory of all foreign products and manufactures, from whose infinite miscellany of goods, its inhabitants are compleatly furnished with such sortable wares, as enables them to trade from port to port without danger of glutting markets.

And thus as our fishery hath increased our trade and navigation, constant employment hath still made foreigners flock to us in such numbers, that out of our multitudes, supplying (from time to time) the loss of so many lives as the change of climates, successes against the Portugueze, and victories against the Indians have cost us; we have forced treaties of commerce, exclusive to all other nations; built forts upon straits and passes that command the entrances into places of great traffick; monopolized all the spice trade, and mightily advanced towards engrossing the whole commerce of the East Indies.

E. Well may you boast that Amsterdam is founded upon herring bones; and no wonder that notwithstanding your so frequent and chargeable wars ever since your revolt from Spain, there is hardly a beggar in your streets.

But if in Holland, which contains not above five millions of acres, its bogs and sandy-downs excluded;

Holland, where you have no minerals, and where it is in vain to dig for any thing but turf and clay;

[1] L. v. Aitzma. *Anno* 1653. [2] *Anno* 1633. [3] Page 140.—*Orig. Notes.*

Holland, where you have no tree but what you planted, nor stone but what you brought hither;

Holland, so much lower than the ebbings of the tides and rivers, that at vast expence you are obliged with mills to drain the very floods occasioned by rains;

Holland, where notwithstanding your continual charge (as was said) in repairing banks and dykes, frequent inundations destroy man and beast for several miles together, and then vast sums (and whole years) are spent ere the land can be regained;

Holland, where the east winds coming to you o'er a mighty length of dry continent, extreme cold, and long winters, put you to the expence of much fire, candles, food and raiment; and to great charge and pains in housing and foddering your cattle, all which time (living on dry food) they yield little milk;

Holland, so exposed to bleak winds, that blast the blossoms of its trees, and storms that chatter off ere ripe their fruit;

Holland, where that little arable land you have, lying generally on sand or light bottoms, requires much soil, and where seed-time is so short, that unless it be exactly nicked no profit can be reaped; for when the seed rots in the ground (as by great rains it frequently happeneth) the season is generally past before it can be sown again;

Holland, whose whole product is scarce sufficient to serve [1] one eighth part of its inhabitants, consequently the rest are obliged to purchase the so necessary commodities, food and raiment, of neighbouring countries, at the rates they can get them;

Holland, whose territories extending upon powerful neighbours, to defend its frontiers, and draw out a war in length by sieges, in order to determine it, by force of money rather than of arms; you are obliged to be at vast expence in fortifications and standing troops, to defend them even in the time of the profoundest peace; for instance *anno* 1670, after all reforms, you had ten regiments of horse and nineteen of foot, making together twenty-six thousand two hundred men, the constant charge of which forces was 556,281*l.* sterling per annum;—

I say, if in Holland, naturally loaded with these disadvantages and misfortunes, and all their ill consequences, notwithstanding you are [2] bridled with hard laws, terrified with severe executions, environed with foreign forces, and oppressed with the most cruel hardships and variety of taxes that were ever known under any government, your people are become so numerous and wealthy, by fishing upon our northern coasts;

Did we in England diligently apply ourselves to the fishing trade, what a continual sea harvest might we reap, whose coasts so abound with cod, hake, conger, whitings, scate, sprats, soals, oysters, salmon, pilchards, turbets, thornbacks, mackerel, herrings, or ling, all the year long?

D. Why even just such a sea harvest as the Hamburghers did (who after five or six years trial to imitate us in the herring-fishery,) found to their cost we still outdid them, and so we shall you.

E. The reason why you outdid the Hamburghers, was because they were yearly frozen up [3] somewhat longer than you, but seeing by that start you could outstrip them, surely we need not fear the goal; who (besides what has been said) have in fishing many more advantages of you than ever you had of the Hamburghers.

D. The generality of your countrymen are of another opinion.

E. I am not ignorant what industry has been used to poison my countryme with an opinion, that none but Dutchmen can thrive by fishing: But unprejudiced persons upon examining the matter will find,

The Dutch have above an hundred leagues to sail before they come to the herring-fishery, which is only in the British seas, and when there, must lie at the mercy of the

[1] *Pol. Gran et Maxims van Holland*, page 44. [2] Sir William Temple's Observation on the United Provinces. [3] *Lex Mercator*. Fol. 171.—*Orig. Notes.*

winds for want of a port to friend, and in case of unloading have as far back again, which takes up a great deal of time, hinders business, and endangers the loss of their markets: Whereas, in England we have the fish upon our own coasts, so near our shores, that in case of storms, unloading, taking in of provisions, or the like, it is but four or five hours work (commonly not so much) to recover an harbour, and without loss of time put to sea again; the work of unloading, repacking, and sending our fish to market going on in all weathers.

D. And have not we dogger boats to take off our fish at sea, and refurnish the fishermen with cask, and other necessaries?

E. Yes, sir, and you have the charge and risque of those dogger boats too (both which the English save); after all, if it happens to be a rolling sea, you must lie by and wait for a calm.

D. What other advantages can you boast?

E. England hath many convenient tidehaven-ports, as at Hull, Harwich, and Holy Island to the northward, and Dover, Rye, Portsmouth, Southampton, Cowes, Weymouth, Dartmouth, Catwater, Hamose, Fowey, Falmouth, Hilford, Scilly, and Milford westward, where at low water all of them are small chingle or hard sand; so that our vessels may easily haul ashore, and wash and tallow at pleasure; nor are creeks and commodious places wanting in England to lodge our busses and doggers safe when not employed, so as to prevent wear of cables, charge of watching, danger of fire, &c.

D. What else?

E. The shores of England are bold, its coasts high land, easily discovered, several of our cape-lands, opposite to France and Holland, make eddy-bays, whose depth of water is mean as six, eight, ten, or twelve fathom the tides; on our own coasts, are small anchor hold, generally stiff clay, chalk, or hard gravel, so that we need not dread winter storms; besides the advantage we have lying in a moderate climate, and in the very centre of the trade of Europe, affords us opportunity of sending to foreign parts, from divers of our ports at all seasons of the year: Whereas the coasts of Holland are extremely low, subject to be hazy and foggy, have many shoals and sands, some of which lie so far off at sea, that frequently ships are stranded before they see land; its ports are bad, and often choaked up with quick-sands; its havens yearly frozen up two or three months together: And the north-west wind (usually blowing the greatest part of the year) makes Holland a lee, and England a weather-shore, so that oft-times, whilst you are wind-bound or frozen up at home, we can supply the markets abroad.

Besides, wanting wood at reasonable rates, you cannot share with us in the red-herring trade.

As for pilchards, they cannot be well cured unless brought fresh on shore, and being taken on our coasts will be stale ere they can be carried to yours.

Not to mention our rich New England fishery, our western ports are incomparably situated for the Newfoundland fishery, and the country itself belonging to the crown of England, you can have no footing there.

Near the Pile of Foudray in Lancashire, and in several other places along the shores of Wales, we can fish even without the charge of busses; for by only setting nets on the sands at low water, great quantities of herrings are taken next tide of ebb.

D. Those herrings on the coasts of Lancashire (coming newly out of the ocean) are so fat that they will not take salt kindly, consequently are apt to reast.

E. We now find by experience, that fat herrings being pressed and cured like pilchards, take salt kindly, and yield store of oil, to the great encouragement of our shipwrights, curriers, soap-boilers, &c.

D. How chance this method was not found out sooner?

E. Dies diem docet; those noble salt rocks in Cheshire, (sufficient to supply all Europe) have not been many years discovered,

Besides, of a stone abounding in Shropshire, much pitch is now made of so excellent a nature, heat only causeth it to penetrate deeper into plank, and cold cannot crackle off; both which are advantages Holland cannot pretend to.

D. What more?

E. The coasts of Wales abound with ash; which as far excels other wood for drying herrings, as its bark doth all others for tanning nets: Nor do we in England, (as you) want willow hoops from Hamburgh.

D. Notwithstanding all the advantages you speak of, your chief fishing towns, Yarmouth and Laystoffe, are beholden either to us at Enckhuijsen, or to the French at Dieppe, for selling them nets.

E. Before the late war, they used to buy sail-cloth of you too, but that now made at Fulham, &c. is brought to equal perfection with your best Holland duck; and as for nets, the towns you mention, have these seven years last past made most they used; and who knows, but that our artisans (universally allowed the best upon earth for improvements) may in a little time as much excel you in these things, as they outdo the Germans in fine steel works; which though they first invented, yet we now make and sell to them.

But seeing you talk of being beholden, I think you are beholden to us, for selling you our Thames lamprons wherewith you bait for North Sea cod, or else you go—— whistle for 'em.

D. Have you any more advantages of us?

E. I omitted to tell you, that upon exporting our fish, we have the benefit of a considerable drawback upon salt.

D. If that were all, rather than suffer that tide of wealth that flows in our fishery to be diverted to another channel, no doubt but our states will allow the Dutch the like encouragement: But now I find you have told me all your advantages.

E. Excuse me, sir; England affords timber, iron, and hemp; whereas, you are forced to purchase those commodities in foreign countries.

D. Nevertheless, we have all naval stores in barter for herrings, which costs us little, but the trouble of hauling up out of the sea, which being considered, and how much the catching such herrings (by employing and increasing our ships and mariners, adds to the wealth and strength of our country) it conduceth far more to our advantage, than if Holland had naval stores of its own product: Whereas, to purchase east country wares, the English are yearly forced to export much coin, to the great exhausting of their treasure.

E. We do not (as you) depend solely upon the east country for naval stores; no, in case of exaction or rupture, we can be sufficiently supplied from our American plantations.

But if a fishery be established in England, what should hinder us from having naval stores in exchange for herrings as well as you?

D. Your white herrings are not so bright and good as ours.

E. Whilst our clapboard is floating from Germany, the Rhine draws out its sap, and if we also soak the corrosive sap out of our clapboard, which now discolours and preys upon our fish, and, like you, gip and salt the herrings as soon as taken, they will be every whit as bright and good as yours.

D. We build cheaper in Holland than you do in England, and sail our vessels with fewer hands.

E. Our ships are much stronger and abler to brook the seas than yours, and will last twice as long; and as to your sailing with fewer hands, we envy not your happiness, whilst (in proportion to your tonnage and number of mariners) you yearly lose (by slight building and undermanning) far more ships and men's lives than we; for which reason, in above three parts of the world, our ships yield better freight; where then

lies the odds? Which, were there any, could be only in merchantmen to carry our fish to market; busses and fisher boats carry more men to catch fish than are needful to sail them: And in the Greenland trade, each ship must have three times the crew that can navigate her, to man their shallops when a-fishing. Were not this true, since in building, English shipwrights knew no masters, surely we might easily cause our ships to be built and manned after your mode.

But supposing your assertion true, if as all ships that carry corn to Venice, are permitted to load currants at Zant, so all bottoms which exported English-caught fish, might be allowed to return with a loading of naval stores, without paying alien's duty: That would set us upon even ground with you, as to the business of our fishery.

D. Two thousand five hundred persons are hardly able in a whole year to make a fleet of nets for five hundred busses: Now England's many wastes and unimproved lands shews its not half peopled, and of those in it,

Consider,

How many women and children do just nothing, only learn to spend what others get.

How many are mere voluptuaries, and as it were gamesters by trade.

How many live by puzzling poor people with unintelligible notions.

How many by persuading credulous, delicate, and litigious persons that their bodies or estates are out of tune or in danger.

How many by trades of mere pleasure or ornament.

How many by fighting as soldiers.

How many by mysteries of vice and sin, or in a lazy way of attendance upon others; where then can you hope to find hands to carry on your fishery?

E. In England we have numbers of French protestants who fled from Dieppe and the coasts of Normandy, &c. (bred to the business of the fishery from their cradles) that (if settled in our decayed fishing towns) would as certainly make them flourish as the Walloon and Burgundean refugees planted by Queen Elizabeth[1] at Norwich, Canterbury, and Colchester (then so poor cities) to such great trade, riches, and plenty.

In England we have no sumptuary laws; so that mercers not foreknowing fashions, dare not lay out their stocks till the spring, at which time their sudden great demands render journeymen scarce, and oblige weavers to draw in numbers of apprentices, who in few months supply the trade of the nation: when being turned off, many (like the inhabitants of the Bath, Epsom, Tunbridge, &c. who live by exacting on strangers in summer) are ready to starve for want of employment before the next spring.

Were a national fishery established in England, our gentry, by causing their footmen and servants to rise early, and employ their idle hours in making nets, might not only reap the profit of their work, but, by accustoming them to business in their youths, beget in them such industrious dispositions as would prevent (what now too frequently happens) their becoming beggars, or worse, in old age.

The time of labouring, and industrious people well-employed, is the best commodity of any country; and were a fishery established in England, how advantageous would it be to the publick; when all our disbanded soldiers, poor prisoners, widows and orphans, all poor tradesmen, artificers, and labourers, their wives, children and servants, each vacant interval may be getting a penny by braiding and beating of nets, &c.

The far greatest part of England's droans are neither so young, nor yet so old or decrepid, but that they may either turn wheels, spin twine, braid or beat nets, cut corks, cast leads, make herring spits, norsels, swills, or baskets, gip, spit, salt, hang or pack herrings, or at least tend fires to smoak or dry them, pick oakum, or the like; and as a constant employment of our poor will be a continual ease and comfort to them, by amusing and diverting them from thinking on their poverty or other misery, so will

[1] 1568.

it alleviate the nation's burden, and in some measure be a re-peopling of us too, by adding so many lost hands to the service of the publick.

D. But still you want mariners; whereas sailors in Holland are as common as beggars in England.

E. It is owned our want of mariners enough at once to man our navy and colliery, cost London and the dependencies upon the river of Thames, (during the late war) above seven hundred thousand pounds, only in the price of coals; by which may be guessed, how detrimental it was to the trade of our nation in general.

But the more we want mariners, the greater reason we have to establish a fishery, which (as is shewn in the preface) is the best way to increase their number.

The many thousands English, Scotch, and Irish mariners, who now yearly fish for you, would hardly seek work abroad, if a fishery afforded them full employment at home, and 'tis odds but a finer country, cheaper and better food and raiment, wholesomer air, easier rents and taxes, will tempt many of your countrymen to cross the herring-pond.

Since the peace is concluded, and our great ships laid up, we have mariners enough to begin a fishery, and as that goes forwards it will proportionably increase their numbers.

D. Fishing is the work for which the English are unfit, and requires such skilful, industrious, and robust seamen as no country breeds but Holland.

E. Your learned Keckerman says, *Omnibus hodiè gentibus, navigandi, industriâ et peritiâ superiores esse Anglos.*

'Tis certain, our mariners do as cheerfully undergo hardships, and are as bold in danger as any, and for hard labour, the working of a mine is incomparably harder than that of a buss. No country but Great Britain can boast, that after twelve hours hard work, its natives will, in the evening, go to foot-ball, stool-ball, cricket, prison-base, wrestling, cudgel-playing, or some such vehement exercise, for their recreations; and as for their genius, it is remarkable, that such lads and country-fellows as at Yarmouth, Laystoff, &c. are once hired into the fishing trade, and come to feed on the fish they catch, it improves them at such a rate, that of pitiful weaklings at land, they become healthful, stout, and hardy persons, and upon trial find it so much to their liking, that not one in twenty but take to the sea for good and all.

D. Englishmen are dainty-chapped, and when a-fishing cannot fare like ours.

E. It is certain they need not; for meat and drink in Ireland, and in many parts of England, are above as cheap again as in Holland, which produceth no other provisions, for traffick, than butter and cheese, and those too are cheaper with us than with you: Besides it is observed, that whatever Dutch fishermen save by eating of grout, they drink more than ours in brandy.

D. The act of the 18th Car. II. prohibits the importation of Irish cattle, to keep up rents: Now catching much fish (by hindering the consumption of flesh) will make lands fall.

E. Doubtless plenty of food is a great blessing of God, and no good Englishman will desire to grow rich by a famine.

It is generally the landed men bear the burden of the poor; without finding them work they must maintain them idle; where the poor's rates are high, lands will fall, and rents be ill paid.

The cheaper provisions are, the less taxes will serve in time of war, housekeeping will be less chargeable, and a less rate maintain our poor: But where provisions are dear, work and wages will rise in proportion to the great detriment of husbandry, and stop to improvements; which (*pro tanto*) will fall rents and rise all manufactures, yet lessen their consumption both at home and abroad, and necessitate masters, for want of vent, by turning off their journeymen, to make whole families of beggars at once.

Catching much fish will, morally speaking, render England less subject to famine, which generally exhausteth more of our wealth in one year than war doth in two.

Catching much fish will give work to many thousands of both sexes that now are cloathed in rags, and through poverty live only on bread, water, pulse, roots, and the like, who, when they come to have the rewards of their labours in their hands, will encourage the woollen manufacture, by buying new cloaths; and our farmers, by a greater consumption of the product of the earth, by drinking strong beer, will advance the king's excise, by increasing the number of tenants, raise our rents, yet lessen our poor's rate and taxes, by helping to pay them.

Catching much fish will occasion the expence of much butter, and make our farmers run much upon dairies, the business whereof, though performed by women, turn to as good account as the hardest labour the husbandman can employ his time in: Put the case, the market should be overstocked at home, English butter is too good a commodity in Flanders, France, Spain, Portugal, &c. ever to want vent abroad.

The cheaper our provisions are, the more navigation will be encouraged, more foreign ships will victual with us; fewer of ours in Ireland, and the more beef, pork, &c. shall we export to Barbadoes, Jamaica, &c. so that supposing meat should not always remain at a very excessive rate, yet where a greater consumption causeth a quick market, though at a middling price, if the proverb be true, Light gains will make a heavy purse.

It is cheap provisions that enable the Indians to supplant the Europeans in their manufactures; and should a fishery make provisions in England but one-tenth part cheaper, wages would fall in proportion, and our artists grow never the poorer, yet our merchants be enabled (by underselling) to beat all the rest of Europe out of the woollen trade, and then our farmers would gain far more by the rise of the fleece than they would lose by the fall of the flesh.

After all, the profit of land in England doth not wholly consist in breeding; abate in grazing, and plough up more pasture, and flesh will hold its price.

D. Corn is so cheap in England your farmers are often broke by it, what then could you do with greater quantities?

E. The reason why farmers sometimes want vent for their grain is, because we have not always store, and therefore merchants make no provision for the trade. But if we yearly sow such quantities of corn beyond the expence of the nation, as merchants may be no less certain of a constant supply here than they are in the Sound, (where the country depends as much upon their harvest, as France does on its vintages) plenty would soon create a trade, and the advantage of England's lying so much nearer than Dantzick to the places where foreign corn is exported, together with the allowance granted by the 25 Car. II. upon the exporting thereof, will sufficiently encourage merchants to deal therein.

Most of our ships are now sent light to Bilboa and Lisbon (now what loads our ships helps our navigation,) and our exports to Lisbon not answering our imports from thence, the more we send them in corn, the less their wines will cost the nation in ready money, or bills of exchange, which is all one.

Gold and silver mines England hath none, and in times of peace no way to get bullion, but by foreign traffic; to which nothing can more conduce than cheap fishing, and cheap working and manufacturing the commodities, which compose the exports of our kingdom, and that is not to be effected except labour be cheap, which it can never be where provisions are dear: but the cheaper our provisions are, the cheaper our exports may be afforded, consequently the more vent we shall have for them, and much vent will cause many workmen, and when the wheel is set agoing, trade begets trade, as fire begets fire; and the more trade increaseth, the more will industrious people from all parts flock to us, and tenant our houses, inclose our wastes, improve our

lands, increase our manufactures, and enlarge our products, far beyond the whole expence of our nation, and thereby, in proportion, add to its wealth and treasure; for merchants exporting the surplus, will in returns bring back gold, silver, and other valuable commodities, which in England, that hath property by succession of contracts, will diffuse among its inhabitants, and thus as the number of persons, made rich by their labour and industry, increase, and the choice of tenants and chapmen are enlarged, a kind of competition amongst them must and will make rents and lands advance in proportion: Witness Holland, and such of our lands as lie near great and populous corporations. So true it is, that trade and lands are twins, that always wax and wain together.

D. Notwithstanding what has been said, I advise all your countrymen not to be concerned in a fishery, for in Holland we have money at three, whereas the trade of England is burthened with six per cent. interest, consequently you can never keep pace with us.

E. Why do you not, (for the same reason) advise us to forbear trading to the East Indies, Turkey, Spain, France, Italy, Portugal, &c. nay, to quit all navigation, and abandon ourselves to the next comers? Was it not the fishing trade gave rise to all your wealth, and as money grew plentiful in Holland, did not lands rise gradually to near forty years purchase, and interest fall by degrees from eight to three per cent.? Why then may not we expect that a fishery will do the same in England, and be a means to regain our Muscovy, Greenland, Norway, and East country trades? For still, as trade, by increasing of wealth, causeth an abatement of interest, will yet cause a further increase of trade.

D. The Dutch are already settled in the fishing trade.

E. Stately Genoa, that once employed forty thousand hands in the silken manufacture, declines now as fast as her formerly neglected neighbour Leghorn riseth: And if the French king continues to court all the world with popular immunities, Leghorn (in time) must give place to her sister Marseilles.

The King of Portugal having discovered the passage to the East Indies[1] by the Cape of Good Hope, and so diverted the course of trade driven by the Venetians from Alexandria and the Red Sea to his port of Lisbon, kept factors at Antwerp to vend there his Indian commodities; which drew several merchants from divers parts to reside there, and made that pleasant-seated city the pack-house of Europe: But when the Dutch[2] also found the way to the Indies, and began to rival Portugal in that trade, merchants, resolving not to lose the advantage of their skill in Indian commodities by removing to Amsterdam, improved their own estates, but ruined Antwerp.

Trade, like the sea, its element, often ebbs and flows from one place to another; not many years since, we imported silk stockings from the Levant; but now the trade is turned, and we send them thither.

D. Projects in England have of late proved very unsuccessful.

E. What though some men have run upon wild notions, and catching at shadows lost their substance, that's no objection against our fishery, which is a certainty; for the sea yields her fish, as well as the earth her fruit, in due season: and Neptune hath been far more bountiful to you than Ceres.

D. Have you drawn up a method for employing the poor of England in a national fishery?

E. I have attempted it, but find the well contriving the business requires far better heads than mine.

D. However, let's see your essay.

E. Here it is, sir, and may receive alterations and additions upon consideration.

[1] *Anno* 1500. [2] *Anno* 1602.

The Proposal.

1. That towards raising a joint stock for employing the poor in a national fishery, a million be subscribed.

2. That the money subscribed be called stock, and be assignable.

3. That every subscriber, at the time of such their subscriptions, pay to —— one full fourth part of his, her, or their respective subscriptions; and in default of such payment every subscription to be utterly void and null.

4. That the residue of the said subscriptions be paid by such proportions, and at such days and times, as by a general court of the said subscribers, shall from time to time be appointed: And in default of such payment, that then the fourth part first paid, as aforesaid, be forfeited to the use of the corporation, herein after mentioned, their successors and assigns.

5. That the subscribers be incorporated by act of parliament (by the name of the corporation for employing the poor of England in a national fishery) with perpetual succession.

6. That at a general court to be held for the said corporation, thirty be chosen out of the said subscribers, by plurality of votes, and presented to the parliament.

7. That out of the said thirty, ten be nominated fathers of the poor, and directors of the national fishery, by both houses of parliament, approved by his majesty, and accountable to them for their trust.

8. That in case of vacancy (by the death, or misdemeanor) of any one of the said fathers of the poor (during sessions of parliament) the said corporation to present three, out of which his majesty and parliament to nominate one as before, and so *toties quoties*. But in case the parliament shall not then be sitting, that such vacancies be filled up by the majority of the surviving fathers until next session of parliament; and then the corporation to present, and the king and parliament to approve, as before.

9. That such fathers be impowered to constitute, under the seal of the said corporation, a sufficient number of deputies in each county in England; and that such deputies be and be called the stewards of the poor.

10. That the said fathers and such stewards of the poor be exempted from all parish offices.

11. That the said fathers, and such their stewards be vested with all authority now in justices of the peace; and that all parish officers be subordinate and accountable to the said fathers, and such their stewards, in all things (only) relating to employing the poor.

12. That the said fathers and stewards have freedom to set the poor on work, about such of the said trades relating to the fishery as they shall think fit, with a *non obstante* to all patents that have been or shall be granted.

13. That to prevent people from being oppressed and ground to poverty by pawnbrokers that skrew out of them 40 or 50 per cent., the said fathers may be allowed to erect lumber offices in every city and town in England, exclusive of all others, upon condition they take not above —— per cent. per annum.

14. That in all churches, (as in Holland) at every solemn assembly, the churchwardens, with a long staff, bag, and bell, during the sermon, receive the charitable benevolence of the whole congregation, and pay the same to the said fathers, who shall cause a true account to be kept thereof, and apply it to the erecting hospitals in London and other great cities, wherein poor women near the time of their travail may be received and carefully delivered, and remain till they are in a condition to return home and follow their work: And if at the year's end, any overplus of such collections remain, that the same be yearly applied for marrying poor maids.

15. That until the business of the fishery be sufficient alone to give employment to all our poor, (or at least during ten years next after the establishing a national fishery) the said fathers and stewards of the poor may be empowered to employ such of them as they shall think fit, in erecting free-schools, hospitals, workhouses, and warehouses, for the corporation; in making enclosures, in repairing sea-banks, draining fens, cleansing and deepening rivers and havens, in building and repairing churches, bridges, and causeways, in mending roads, in planting oaks near navigable rivers, and fruit-trees; in inland countries, also in cleansing of streets, common-shores, and the like.

16. That the said fathers of the poor be empowered to send such refractory poor as they shall think fit, to serve in his majesty's plantations, taking security for their comfortable maintenance during their service, and for their freedom afterwards.

17. That all the poor's rates in England be collected as formerly, by the churchwardens of each parish, and by them quarterly paid into the treasury of the said corporation, as a recompence for their providing for the poor, and freeing the nation from beggars.

18. That the million subscribed be always kept entire, as a security to indemnify the nation againt the charge of the poor; and the income and profits be only divided amongst the subscribers.

19. That the treasure of the said corporation be accounted as sacred, and that it be felony to embezzle, lend, convert, or apply the same to any other use, than maintaining the poor, or carrying on the business of the fishery.

20. That the said fathers may buy up, when cheap, a certain quantity of corn, coals, &c. yearly, and lodge the same in their granaries, for the use of the poor, but not make merchandize of them, or sell them again in England.

21. That the stock in the said fishery be not chargeable with any rates, duties, or impositions whatsoever.

22. That debts due to the fishery for goods by them *bona fide* sold and delivered, take preference of all others, except those due to the king.

23. That all persons may fish as formerly, and sell what they catch in England, but none export any fish but the national fishery without paying them ——— per cent.

24. That the said fathers and stewards be empowered to bind such single persons to the company as the churchwardens and overseers of the poor by the statutes of 43 Eliz. 2. 1 Jac. 25. 21 Jac. 28. and the 3 Car. 4. are empowered to put out apprentices, the boys to serve till twenty-four, and the girls till twenty-one years of age; at one of the two and thirty trades more immediately relating to the fishery.

The company's interest will oblige them to provide the best and soberest masters.

How to prevent their desertion can be shewn beyond objection.

The boys being in the fishing season employed at sea, and working at other times at that trade relating to the fishery to which they were bound, when their time is out, will be able to get their livelihoods either at sea or land; and if, to render them more capable of serving their country, the said fathers or stewards (at four o'clock each Saturday in the afternoon) should cause them (when on shore) to muster and exercise, although only with staves, and for diversion to play at cudgels, or fence, and reward the conqueror with liberty of wearing a small ribbon, whose distinguishing colour of red, blue, &c. should entitle them to be called captains, lieutenants, &c. by the rest of their fellows, till next week's trial of skill: How soon would emulation beget address? And what a treasure and strength to England would such a sea-militia be, always ready for service both by sea and land, and yet no charge to the nation till actually in it?

That his majesty may be addressed to grant leases to the said national fishery, of all wastes and derelict lands, to be by them used in building warehouses, curing fish,

spinning twine, and drying and beating their nets, and the like; and also to be by them distributed amongst such of their apprentices, their heirs and assigns as shall have faithfully served them eight or more years, not more than five acres a-piece.

D. Upon the whole, I confess, that England may out-fish us, but then you must have nothing to do with companies, only make it every particular man's interest, and hev'll soon make it their business.

E It is dangerous taking a rival's advice, and well known why fish was so cheap this year in Spain, Portugal, Italy, and other English markets; yet sold so well in the east countries.

Glutting markets may ruin particular men, but it is far more difficult to put tricks upon companies.

D. After all, where can you find a set of honest men to carry on a national fishery in England?

E. In Amsterdam you have your churchwardens, directors of Bethlehem, of your rasp-house, of your spin-house, &c. commissioners for your small differences, and those of your Levant trade, your sea affairs, &c. also your vroed schap, your schepens, and your burgo-masters, which are places of far more trouble than profit, yet (being the usual steps to preferment) are generally (like that of common-council-men in London) officiated without reproach. Not for that the Dutch are honester men than their neighbours, but because such as are found tardy in those employments are barred all future hopes of advancement. And should our parliament address his majesty to prefer in the custom-house, excise, &c. such as behaved themselves well in the fishery, and make breach of trust therein to incapacitate men from serving the government in any employment, military or civil, for ——— years, (how small wages soever the corporation allowed) the company would never want servants that, volunteer-like, would vie with each other, who should best serve their country, by most promoting its fishery.

D. An honest man is a citizen of the world. Gain equalizeth all places to me. And when you settle a fishery upon better terms than ours, (as my grandfather left Antwerp when its trade began to decay, and removed to Amsterdam) I will bid adieu to t'Vaderlandt, and remove to London. In the interim, Farewell.

Conclusion.

Seeing in the preamble of an act passed in the 14 Car. 2. it is declared, "That the public honour, wealth, and safety of this realm, as well in the maintenance and support of navigation as in many other respects, doth in an high degree depend upon the improvement and encouragement of the fishery;"

And seeing the way to all this honour, wealth, and safety is so plain and easy, that by only a frugal and industrious management of affairs, (without quarrelling with our neighbours) we may quickly become sole masters of the fishing trade;

For shame, let not Englishmen longer say, with Solomon's slothful, "There is a lion in the way."[1]

[1] Prov. xxvi. 13.

Gloria Cambria: Or, The Speech of a Bold Briton in Parliament, against a Dutch Prince of Wales, 1702.

By Mr Price.

Robert Price, Esquire, was made a Baron of the Exchequer *anno* 1701, and in King George the First's reign, a justice of the Common-Pleas. He died at Kensington, Feb. 1, 1732, aged 75, lamented by all. This bold speech relates to a transaction of which Dalrymple gives the following outlines:

"The effects of this temper were seen as soon as the second session of parliament began, in the winter of the year 1699. The king's foreign had been more attached to him than his English servants, whose wishes were often carried from him by the connections of party. They had also, in foreign business, and in the management of the detail of the war, served him more ably, because they were accustomed to both. But though men of family, they were soldiers of fortune; and the English and Irish peerages, which for a while were the only favours he had to bestow on them, could be of little use to men, who for the future were to live in a country where wealth was more considered than title. In order to shew his gratitude to one of them, he had some years before given Lord Portland a very large grant of crown lands in the principality of Wales. But the Commons had remonstrated against the grant, both on account of the extent of it, and because there was a doubt, whether the lands could be alienated from the principality. The king, who was not obstinate in public partialities to his friends like Charles I. nor indifferent in private to their fates like Charles II., had given, with that simplicity of expression which was habitual to him, the following answer, prudent and candid to the house, just to his friends.

GENTLEMEN,

I have a kindness for my Lord Portland, which he has deserved of me by long and faithful service; but I should not have given him these lands, if I had imagined the House of Commons could have been concerned; I will therefore recall the grant, and find some other way of shewing my favour to him."—DALRYMPLE, III. 201.

Mr Speaker,

THE petition now presented to you on the behalf of ourselves and countrymen, though subscribed by a few hands, yet has the sense and approbation of thousands, who are not influenced by their own interest, but for the honour they have for the crown, and the welfare of the British nation.

If I could conceive that the glory of England was, or could be, upheld by a poor landless crown, and a miserable necessitous people, I could then be easily persuaded to believe, that his majesty was well advised to grant away all the revenues of the crown, and that the government thereby would be well secured, and the people best protected, when they had little or nothing left them. I am sure they are not English, but foreign politicians, who may reverence the king, but hate us.

The kings of England always reigned best, when they had the affections of their subjects; and of that they were secure, when the people were sensible that the king was entirely in their interest, and loved the English soil as well as the people's money: When kings had a candid interest coupled with their power, then it was most stable and durable; as is manifest by the ancient demesne lands, and other the large and royal revenues, the many and great tenures which the people then held their estates

under, which caused such an indispensable union and dependency, that they supported each other; and 'tis observable, that the separation of the revenues from the crown, has in all ages been the means of rendering the English government precarious; and that it might not be so, the petition (with a dutiful deference to his majesty) does represent to you (the great council of the nation) this, theirs, and the people's ease for redress and remedy, according to your wisdom.

Give me patience, and pardon, and I'll lay before you the true estate of the fact upon the petition, and manner of grant, and what is granted.

The great lordships of Denbigh, Bromfield, and Yale, in the county of Denbigh, for some centuries, have been the revenues of the kings of England and princes of Wales; by which lordships, the petitioners and fifteen hundred more are tenants, pay rents and suits of courts, and other royal services. These lordships are four parts in five of the whole country, and thirty miles in extent; the present rents to the crown are but 1000*l. per annum*, besides reliefs, mizes, wastes, estreats, perquisites of courts, and other contingent profits; there are also great profitable wastes of several thousand acres of rich and valuable mines, besides other great advantages, a mighty favourite and great courtier might make. The petitioners being casually informed the last summer, that a grant to the Earl of Portland was in the treasury, in order to be passed, the petitioners did oppose the said grant, and they found, not only the three lordships, but near 3000*l. per annum* of the petitioners' and countrymen's ancient inheritance, expressly granted: So that if all had been presented that was comprised in the grant, it had been a very noble royal gift, worth at least 100,000*l.* Nor was that grant for any short time to this noble lord, it being to him and his heirs for ever; and yet not much to the advantage of the crown, having only a reservation of six shillings and eight-pence *per annum* to the king and his successors.

The facts were laid before the lords of the treasury by the petitioners, who cannot say but they were all well heard, well understood, and, I hope, well represented; only with this remark, that the day designed by the lords of the treasury for the grant was dated, and came to the privy seal, a month before the lords of the treasury had appointed the petitioners to be heard at the treasury against the grant. The next stage that we had, was to attend the grant from the treasury to the privy-seal, where, I must confess, the reason and complaints against the grant were heard and received with all candour and goodness of that noble lord who had the custody of the seal; and I truly believe he has represented the whole affair; and that is the reason at present that this grant halts, I suppose till the parliament rises, and then I doubt not but it will find legs to take its journey.

Having made the applications in their proper places to stop the said grant, and that without success, it became a grievance, and we hope this honourable house will redress it. These lordships have been for many years the revenues of the kings of England, and the support of many princes of Wales, have been settled upon them and their heirs, and the kings of England by sundry patents, and confirmed by many acts of parliament.

These royal dominions in most reigns have been attacked by great and powerful favourites; for in the reign of Queen Elizabeth, some part of these revenues were granted to some of her creatures; but attended with so many law-suits, and general distractions, that the queen interposed, and the freeholders gave large compositions for their peace, the queen confirming their estates by a charter.

In the fourth year of King James I. these lordships were settled on Prince Charles, and his heirs, kings of England; but his servants (as most courtiers are willing to make use of the opportunity) got some grant, of most part of that revenue, which proved so vexatious and troublesome to their country, that the freeholders came to another composition, and gave 10,000*l.* for their peace, and had another charter of confirmation of

their rights, and for the settling of their estates, tenures, &c. which was confirmed in parliament in the fifth of King Charles the First; in the late reign (however calumniated) there were many and great applications made for some grants of some lands of these lordships, which were always rejected, as too powerful for a subject. If part were so, what would the whole be?

History and records tell us, that the grant of these lordships have been very fatal to the prince or potentate, the one either losing his crown, or the other his head: It is therefore dangerous meddling with such ominous bounties.

I must likewise observe to you, that the Long Parliament in Charles the Second's reign, when they passed an act for the fee-farm rents, excepted those within the principality of Wales, which is a plain intimation, that the parliament thought them not alienable, or fitting to be aliened; but rather to be preserved for the support of the prince of Wales.

There is a great duty lies upon the freeholders of these lordships on the creation of the prince of Wales: They pay the prince of Wales 800*l.* for mizes; which is such a duty, service, or tenure, which is not to be severed from the said prince of Wales; and it will be very difficult to find how this tenure can be made reconcilable to this noble lord's grant.

If we are to pay these mizes to this noble lord, then he is *quasi* a prince of Wales, for this duty was never paid to any other; but if it is to be paid to the prince of Wales, and this noble lord too, then we are doubly charged: But if it be to the prince of Wales, when he has no royalty left in that dominion, and not to this noble lord (who, by this grant, is to have the whole lordships) it relates a repugnancy in the tenure of our estates.

But I suppose the grant of this principality is the fore-runner of the honour too; and then I shall fancy we are returning to our original contract: For, as story tells us, we were brought to entertain a prince of Wales, by recommending him to us, as one who did not understand the English tongue; and our forefathers thence inferred, that he must be our countryman, and no foreigner, but one that understood the British language. How we were deceived therein is plausible! I suppose this lord does not understand our language; nor is it to be supposed he will come amongst us to learn it! nor shall we be fond of learning his!

But since I have minded you of the Welch original contract, which is of so long standing, I would not have you forget another contract, made about seven or eight years since, which is the foundation of our present government; I mean the Bill of Rights and Liberties, and settling the succession of the crown, which is so much forgot, touching the discourse and practice, that I have not heard it named in parliament but once in the last sessions, and I find it was much forgot in the administration. I would gladly know from those who are better versed in the prerogative learning than myself, whether his majesty can, by the Bill of Rights, without the consent of parliament, aliene, or give away, the inheritance, as an absolute fee of the crown lands? If he can, I would know to what purpose the crown was settled for life, with remainder in succession, if the tenant for life of the crown can grant away the revenues of the crown, and what is incident to it? Or can the king have a larger estate in the revenues than he has in the crown to which it belongs? Far be it from me to speak any thing in derogation of his majesty's honour or care for us; it cannot be expected he should know our laws, who is a stranger to us, and we to him, any more than we his councils (which I wish we did) I mean those new immediate advisers, and ministers, through whose hands this grant did pass, by advising the king to grant, what by law he could not.

These counsellors and ministers are guilty of the highest violation of the laws and liberties of England, and strike at the very foundation of succession, and tear up the Bill of Rights and Privileges by the roots.

It was their province and duty to have acquainted the king of his power and interest, that the ancient revenues of the crown are sacred, and unalienable in the time of war and people's necessities.

By the old law it was part of the coronation-oath of the kings of England, not to aliene the ancient patrimony of the crown without consent of parliament; but as to these oaths of office, most kings have court-casuists enough about them, to inform them that they have a prerogative to dispense with such oaths; especially when their interest (as it generally does) goes along with their council.

It has been the particular care of all parliaments, in all ages, to keep an even balance betwixt king and people; and therefore when the crown was too liberal in its bounties, the parliament usually resumed those grants which were very frequent: For, from the reign of Henry the Second to the sixth year of Henry the Eighth there was one or more bill of resumption in every one of these reigns, save one in the time of Henry the Fourth, there was an act of resumption of all that was granted from the prince of Wales, in all that principality; and those acts were looked not upon by those princes (of which some were both good and great) as any lessening or diminution of their prerogative; it being considered, that kings have their failings as well as other men, being cloathed with frail nature, and apt to yield to the importunities of their favourites and flatterers; therefore it becomes necessary, that the great council of the nation should interpose for the interest of the king and people.

The Commons of England always entertained an honourable jealousy of their prince, when they perceived their expences at home, or abroad, their gifts and boons to favourites, to be too large and exorbitant. And as we are an island, and subject to invasion, so the parliament of England were very watchful that other countries should not outdo them in trade and naval strength: That foreigners should have no more footing, strength, or settlement, than was conducing to carry on the trade and commerce of the nation; and whenever our princes entertained foreigners of their council and chief advisers, the people of England were restless and uneasy, till they were removed out of the king's council; nay out of the nation; and in history and parliament are many instances, that great men and favourites, being foreigners for procuring to themselves too large a proportion of the royal revenues, especially in time of war, and people's necessities. As for instance: in King Stephen's time, who usurped the crown of England from Maud the empress and her son King Henry the Second: William de Ipres, a Netherlander, was brought over, with a great number of his countrymen, to which William de Ipres, the king *de facto* gave an earldom, and made him a great confidant, that he was in all councils, and obtained great grants, not only for himself, but for his then called Flemings, who swarmed so thick about the king's court, that Englishmen were scarce known or rewarded. At which time, the English were so exasperated, that they importuned King Henry the Second, when he obtained the right of his crown, to seize on all King Stephen had given to his foreign favourites, and his accomplices, and to banish him and his friends the kingdom.

The same complaint was made to Richard the First, for removing and taking away the Duke of Saxony, his own nephew and sister's son, and all his German friends, as being foreigners by birth. The same address was made to Henry the Third, to banish his half-brother, and all their prince's friends.

The same address was made by the people to Edward the Second, to do so with the lineage of Gaveston and his Gascoiners. And did not Edward the Third do the same with his Bohemian friends? Henry the Fourth, and other following princes, took the same method, on the humble and hearty petition of their people; sometimes in parliament, and sometimes out.

And in these cases, the kings seized, and took to themselves, all the revenues of the crown, that they had given them, and always sent those foreigners to their own coun-

try, which the people of England had disliked, and opposed them, fearing both their power and council, and that they would become a burden to the people; and that England was able to foster none but her own children.

I must confess, I am strangely troubled with strange apprehensions of our deplorable state: We are in a confederacy in war, and some of those confederates are our enemies in trade, though planted among us; some in the king's council, some in the army, and the common traders have possessed themselves of the out-skirts of the city: we find some of them naturalized, others made denizens: Every parliament we find endeavouring for a naturalization, and that warmly solicited by the court party: We see our good coin gone, and our confederates openly coining base money and Dutch alloy: We see most places of power and profit given to foreigners: We see our confederates in conjunction with the Scotch, to ruin our English trade: We see the revenues of the crown daily given to one or other, who make sale of them, and transmit their estates elsewhere from amongst us: But what they can get from us, they secure in their own countries. How can we hope for happy days in England, when this great lord, and other foreigners (though naturalized) are in the English and Dutch councils? If these strangers (though confederates) should be of a different interest, as most plainly they are in point of trade; to which interest is it to be supposed these great foreign councils would adhere? So that I see, when we are reduced to extreme poverty, (as now we are very near it) we shall be supplanted by our neighbours, and become a colony to the Dutch. I shall make no severe remarks on this great man; for this great man makes us little, and will make the crown both poor and precarious.

And when God shall please to send us a prince of Wales, he may have such a present of a crown made him, as a pope did to King John, who was surnamed *Sans-Terre*, and was by his father made lord of Ireland; which grant was confirmed by the pope, who sent him a crown of peacock's feathers, in derogation of his power, and poverty of his country.

I would have you consider we are Englishmen, and must, like patriarchs, stand by our country, and not suffer it to be tributary to strangers. We rejoice that we have beat out of this kingdom popery and slavery; and now, with as great joy, entertain Socinianism and poverty: And yet we see our rights given away, and liberties will soon follow.

Thus have I represented to you the nature of this mighty grant to this noble lord, and the ill consequence that must attend the public, and more particularly our country, by the passing of it. The remedies our forefathers took to cure these ills are well known.

I desire more redress than punishment, and therefore shall neither move for an impeachment against this noble lord, nor the banishment of him; but I shall beg that he may have no power over us, nor we have any dependency on him.

Therefore I shall conclude my motion, That an address be made to his majesty, to put a stop to the grant that is passing to the Earl of Portland, of the lordships of Denbigh, Bromfield, and Yale, and other lands in the principality of Wales; and that the same be not granted but by consent of parliament.

This before the lords of the treasury.

Minheer Benting, Earl of Portland, begged of King William the lordships of Denbigh, Bromfield, and Yale, in the county of Denbigh, to him and his heirs for ever. The warrant coming to the lords of the treasury; the gentlemen of the country, upon one or two days notice, were heard against the grant before them, viz. the Lord Godolphin,

Sir Stephen Fox, Sir William Trumball, and John Smith, Esq. on Friday the 10th of May 1695.

Sir William Williams

Said, That it is part of the ancient revenues of the Prince of Wales, and that the Welch were never subject to any but God and the king; and that none shewed their allegiance more than the Welch. That in the statute for granting of fee-farm rents, there was a particular exception of the Welch rents, which imposed, ' That the parliament took the Welch revenues not to be alienable:' Yet upon the creation of a Prince of Wales, that there were mizes of 800*l.* payable out of these lordships to the Prince of Wales; and though there were none, yet he hoped and doubted not but to see one of the present king's own body.

Sir Roger Puleston,

That the revenues of these lordships did support the government of Wales, by paying the judges and others their salaries; and if given away there will be a failure of justice.

Mr Price.

It was said, That the grant that was making was of a large extent, being five parts in six of one country, which was too great a power for any foreign subject to have; and the people of the country too great to be subject to him. That there is fifty mean lordships held under those manors: That there was above 1500 freeholders; and that there were wastes and commons of many thousands of acres; and that there were mines of lead and copper of great value, and the present rents received, about 1500*l.* per annum. That courts were kept in all those lordships in the king's name: That all or most of the gentry of that country were tenants to the king, and suitors to his court, and thereby obliged to the king by a double allegiance: Their general allegiance as subjects, and their particular allegiance as tenants. And if the king gave away one, it was to be feared it would lessen the bounds of the other, since it is observable, that interest and property have an ascendant over duty. That those lordships were formerly lordships marches, which was occasioned when William the Conqueror had England brought to subjection; but could not subdue the Welch country. He gave to his Norman lords some neighbouring lands in Wales, and furnished them with men and arms; and what ground they could get from the Welch by insurrection or conquests: These Norman lords were to hold as lordships marches, which were made boroughs and palatinates, and what they got or usurped by their power, they maintained by severity or oppression; and under these vassalages the Britons continued until the 27th of Henry VIII. which was the time the statute of Timon was made, and they esteemed it their happiness to be under the English laws and government, and so have continued to this day; none having more eminently signalized their constant loyalty to their rightful king than themselves. But if his majesty shall think fit to disunite them by this grant, and put them under a foreign subject, it is putting them in a worse posture than their former estate, when under William the Conqueror and his Norman lords.

The Britons were always men of courage and sincerity, and yet of resentment; though Henry IV. and Henry V. were martial princes, and had a hatred against the Britons, because they persevered in their duty to Edward II. who was their rightful, though unfortunate king; and made most scandalous and reproachful laws against them: Yet it is worth remark, that those kings had never peaceable or happy days, until they reconciled themselves to those great people. Not to tell the victory of Owen Glendower, who was an inferior person of the long robe; but when a stranger would have encroached upon the waste and commons of his neighbours, his laws and

arms, with his neighbours' assistance, became a terror to the English nation. It was worth consideration what little the king hath to grant, it is a revenue that belongs to the Prince of Wales; and in case of want of such, it vesteth in the crown, rather an *usufructure*, than a property, till a prince be created; to whose creation the revenues are annexed by these, though unusual, words in the law: 'To him and to his heirs who shall be kings of England.' By the statute of 21 Jacob. cap. 29. in the preamble of which it was doubted whether Charles Prince of Wales and Duke of Cornwall could grant leases of the duchy lands for three lives, or any longer than his own life; though the statute adds, he had of inheritance in a special form of limitation, differing from the ordinary rule of inheritance of the common law, and therefore necessary to have confirmed in parliament: the use that is made of that statute in this case is—if the Prince of Wales and Duke of Cornwall, who have an inheritance in their revenues, cannot grant estates without parliament for any longer than their own lives; how then can his present majesty, who is our king by modern contract, and has but an estate for life in possession in the crown, by the act of settlement, grant away the inheritance and absolute fee of the principality of Wales?

If the aid of parliament was necessary to help in one case, it was more necessary in the other. It is well known in former reigns, there have been frequent acts of resumption, which always passed when the people groaned under the weight of heavy taxes, and the nation in war. If that was a reason for the legislative power to pass a bill of resumption, it is still as good a reason for his majesty not to grant; since we are both in war, and under the heaviest pressure of taxes history bears testimony of. Let it be considered, can it be for his majesty's honour or interest (when his people hear this and understand it) that he daily gives away the revenues, and more, the perpetuity of his crown revenues, to his foreign subjects? Good kings, after a long and chargeable war, were accustomed to tell their people, that they sorrowed for hardships the nation underwent by long war and heavy taxes, and that now they would live on their own; but it is to be feared, if grants are made so large, and so frequent, there will be nothing of the king or his successors to call their own to live upon.

It is to be hoped your lordships will consider, that we had but one day's notice of this attendance, and must come therefore very much unprovided; but yet we doubt not but these hints and broken thoughts we have offered to your lordships, you will by your great judgment improve, whereby the ill consequences of this grant may truly be represented to his majesty.

Lord Godolphin.

Had not the Earl of Leicester those lordships in grant to him in Queen Elizabeth's time?

Sir Robert Cotton.

I believe I can give the best account in that case: The Earl of Leicester had but one of those lordships, and that was Denbigh; he was so oppressive to the gentry of the country, that he occasioned them to take up arms, and to oppose him, for which three or four of my wife's relations, of the Salisburys, were hanged; but it ended not there, for the quarrel was kept still on foot, and the earl glad to be in peace, and so grant it back to the queen, and it has been ever since in the crown.

Lord Godolphin.

You have offered many weighty reasons, and we shall represent them to his majesty.

TRACTS

DURING

THE REIGN OF KING WILLIAM III.

CLASS THIRD.

MILITARY TRACTS.

KING WILLIAM III.

CLASS THIRD.

MILITARY TRACTS.

A true and exact Account of the Regiments of Horse and Foot in the Service of their Majesties King William and Queen Mary; and also an Account of the Irish Forces under the late King James. Written by a late Captain of Foot in the Lord Castleton's Regiment in England, now at Lisburn in Ireland, to his Friend in London. Together with a perfect Relation of the most remarkable Actions lately there, and particularly since the wounding of Colonel Owsley. In a Letter from Lisburn of the 26th of May, 1690.

This and the following Tracts relate chiefly to the state of Ireland during the war which raged there in 1689 and 1691. It has been judged unnecessary to separate some, which rather relate to civil affairs, from the others, because they refer to the same general subject, and throw mutual light on each other.

SIR,

ACCORDING to my promise in my last, I have sent you the following account.

A List of the English Army.

HORSE.

Princess Anne's regiment.
The General's regiment.
Major General Sir John Lanier's reg.
Lord Devonshire's reg.
Lord Delameer's, now Col. Russel.
Col. Langston's reg.
Lord Hewett's, now Col. Byerly.
Col. Villers's reg.
Col. Coy's reg.
Six troops of guards.
Mr Harbord's troop.

DRAGOONS.

Royal Regiment, Col. Hefford's.
Col. Leviston's regiment.

FOOT.

Princess Anne's regiment.
Lieut. General Dowglass's reg.
Major General Kirk's reg.
Col. Beaumont's reg.
Brigadier Sir John Hanmor.
Brigadier Steward.
Col. Babington's reg.
Sir Henry Bellasis's reg.
Col. Careston's reg.
Col. Deering's reg.
Earl of Drogheda's reg.
Col. Erle's reg.
Col. Floyd's reg.
Col. Fowlk's reg.
Col. Grebin's reg.

Col. Hasting's reg.
Col. Herbert's reg.
Lord Kingston's reg.
Lord Lisburn's reg.
Earl of Meath's reg.
Col. Trelawney's reg.
Col. Wharton's, now Brewer's reg.
Col. Cutts's reg.

Inniskillingers.

Col. Owsley's reg. of horse.
Col. Winn's reg. } Dragoons.
Col. Conningham's reg. }

Lord George Hamilton's reg. }
Gustavus Hamilton's reg. } Foot.
Col. Tiffin's reg. }

Derry Foot.

Col. Michelburn's reg.
Col. White's reg.
Col. St John's reg.

The French and Dutch Guards.

Col. Lecallimot's regiment.
Col. Du Cambon's reg.
Le Melonier's reg.
Nassau.
Vitte.

Note, None of the Danish horse or foot are here particularly inserted, which are 6000 foot and 1000 horse.

Colonel Owsley (since his shot upon the belly, and upon recovery) sent out a detachment of his horse seventeen miles into the Irish quarters (beyond our frontiers) who upon Sunday the 18th instant put to flight the Irish, and brought back four hundred black cattle, three hundred sheep and lambs, and eighty horse, whereof about twenty fit to serve for dragoons.

An intelligence from Dublin informs, that the French have begun to fire the suburbs, in order to make the city more defensive, and less obnoxious to our incursions and bombs. It is believed they will burn every place they desert, on design to prevent our winter quarters near them in houses, and to enforce us to encamp, whereby the cold weather might destroy our army.

At present all affairs wait the king's arrival (which God grant safe and speedy) and then a method of marching will soon follow.

A List of the Irish Army.

HORSE.	Troops.	Men.
Lord Tyrconnel	9	50
Lord Galmoy	9	50
Col. Sarsfield	9	50
Col. Sutherland	8	50
Lord Abercorn	8	50
Col. Hen. Luttrell	8	50
Col. John Parker	8	50
Col. Nich. Pursel	10	50
	69	3450
DRAGOONS.		
Lord Dungan	10	50
Lord N. O'Neal	10	50
Col. Den. Obryan	12	50
Col. Simon Luttrell	10	50
Col. Clifford	10	50
Sir James Cotters	12	50
Col. Maxwell	12	50
	74	3800
Troop of guards commanded by the Lord Dover		200

FOOT.	Comp.	Men.
A regiment of foot guards	20	90
Lord Montcastle's reg.	13	92
Earl Clencarty, ditto.		
Lord Fitz James's reg.		
Col. John Hamilton's reg.		
Col. Clenricart's reg.		
Earl of Antrim's reg.		
Earl Tyrone's reg.		
Lord Garmongstone's reg.		
Lord Clark's reg.		

Lord Galway's reg.
Lord Slaney's reg. ditto.
Lord Duleck's reg. 13 62
Lord Kilmore's reg.
Sir John Fitzgerald's reg.
Sir Morris Euster's reg.
Col. William Nugent's reg.
Col. Henry Dillun's reg.
Col. John Grase's reg.
Col. Richard Butler's reg.
Col. Edward Butler's reg.
Col. Thomas Butler's reg.
Col. J. Bowker, now Lord Boylen's reg.
Col. Charles Moor's reg.
Col. Cormack Oneal's reg.
Art. M'Mehan, Earl of Westmeath's reg.
Col. Charles Cavenah's reg.
Col. Charles Macalamoor's reg.
Col. Gerard Oneal's reg.
Col. Neal Brown's reg.
Col. John Barret's reg.
Col. Dan. O'Danavan's reg.
Col. Olives O'Gara's reg.
Sir Mic. Creach, L. Mayor of Dublin s reg.
Sir Dan. Brown's reg.
Sir Dudley Bagnal's reg.
Col. Charles O'Brian's reg.
Col. Roger Mac Elliot's reg.
Lord Kilmallox's reg.
Lord Inveah's reg.
Col. John Brown's reg.
Col. Edward Nugent's reg.
Col. M'Mahan's reg.
Col. Edward Reyley's reg.
Col. Fielding's reg. ditto.

Horse	3450
Dragoons	1800
Horse Guards	200
Foot Guards	1800
Foot	37882
Total	47132

Disbanded.

Major General Boysloe's reg.
Lord Castle Connal's reg.
Col. Rog. O'Connel's reg.
Col. Charles Geahagan's reg.
Col. Many O'Donnel's reg.
Col. James Butler's reg.
Col. Rog. O'Cahan's reg.
Col. Ch. Kelly's reg.
Col. Bryan Mac Dermot's reg.
Col. James Talbot's reg.
Col. Ulick Bourk's reg.
Sir Edward Scot's reg.
Col. Miles O'Reyley's reg.

The quarters of the army uncertain, being every day rowling, and much scattered.

Note, Though each troop and company are said to have the foregoing numbers of men, yet few or none are full; neither have they arms for near the number, and many are armed with scythes.

The French recruits landed this spring are not inserted.

But it is observable, that the Irish and French cannot march into the field with this number, nor encamp; because, by all reasonable conjecture, their garrisons will require, viz.—Dublin 7000, Drogheda 3000, Cork 1000, Kinsale 3000, Limerick 2000, Galway 2000, Athlone 2000.

Also their policy is to defer the war upon a defence; hoping the brass pay will exhaust the English current coin.

The keys of Dublin are in French hands. The bomb-carts and carriages painted with flower-de-luces. So that the distinction is not so much William and James, as England and France, or Protestant and Papist.

A Letter from a General Officer to a Colonel, and several Officers and Soldiers under King James, now in the present Service.

An artful attempt to seduce the soldiers of King James II.'s forces, now fighting against him under King William, to return to the allegiance of their former sovereign.

I MUST own (noble gentlemen and fellow-soldiers) that I was one of those who were misled as well as you, by the apprehensions that our religion was in danger, had not the Prince of Orange come opportunely to redeem it: But I can upon my salvation say (and I hope so may many of us) I had no other design in closing with his troops, but only to have obtained a free parliament, and such laws as would have secured our religion and property, which was pretended then to be invaded. It never entered into my thoughts, neither had I the least suspicion that the prince aimed to dethrone his father, or to embroil us in such an expensive war, to the utter impoverishment of our country. 'Tis true, we soldiers are not usually politicians, and therefore could not so easily pierce into the hidden intentions of ambitious men; but we have so much sense as to remember how kind a master King James was to us, how duly he paid us, and yet never sought a penny from the country for it: Whereas now, though in all our quarters we hear nothing but complaints of want of trade, scarcity of money, and excessive taxes, yet you know how ill we are paid. We, who have undergone as much fatigue in Ireland as ever army did: We, who with the expence of so much blood, poverty, hunger, fatigue, and sickness, have reduced that kingdom, find now so little regard had for us, that instead of a recompence we can neither get cloaths nor money, nor horses, for those that we lost in service; and are forced to oppress our native country for mere subsistence. It repents me at my soul, that we took so much pains there to expel so good a king and master, from a country which was only left him for his shelter; which shews we fought for fighting-sake, without reflecting on the justice of the cause, or the consequences of such a victory.

Now methinks our eyes ought to be opened; for my part I can foresee nothing but an inevitable ruin to our country, if we persevere to resist our gracious, indulgent master. The scene of war must be translated from Flanders hither, and then my heart will bleed to think what miseries our poor country must endure. We have seen, felt, and contributed to the fate of poor distressed, desolate Ireland; but, alas! your pampered island, as it is less used to sufferings, will find smaller sufferings more intolerable, and yet must suffer much more than they have done, if we repent not in time, and welcome back our sovereign. It seems he has taken a resolution to come with a considerable force of his own subjects, intermixed with strangers, to recover his right: It behoves us then to consider seriously why we should oppose him? Can we expect any pay from our present riders (I call them so, who make us, like so many tame asses, bear every burden) when most of the nation's money is sent to support the confederates? Have we not found by woeful experience, that none are looked upon, preferred, or paid, but Danes, Brandenburghers, and our hogan mogan Dutch, and that we Englishmen can get no advancement, unless by the interest of these foreigners? You see

how far we are from being trusted in our native country where we might be merciful in our defence of it, and spare the stores, the wealth and blood of our friends and relations; when we must all be driven on ship-board (though 'tis contrary to the laws of England, there being now no martial law in force) which occasioned many of our fellow soldiers to shoot to death their own comrades for only desiring their pay, and sent to fight the confederates quarrel in Flanders, to make room for twenty-thousand foreigners, who are now about to be purchased with our very pay, at no less a rate than three hundred and fifty thousand pounds, to come and harass our country, and destroy and burn what they cannot defend, that if they cannot, their enemies also may not be better for it, but the country desolate. Whereas we know King James has a true English soul, and a true compassionate tenderness for his country. All he desires is liberty to all, that all may live in peace and plenty; whilst King William sets his whole mind to support the Dutch, to make them our masters, and give away our bread and traffick from us.

Let us then at last be Englishmen, lovers of our country, and of our lawful, kind, and bountiful king, and nothing will be wanting to us. We shall have honour, peace, and plenty, but above all, a quiet conscience, if we return to our duty, and save our native country from ruin and desolation. You cannot but see the country desires, and justly deserves it, at our hands. They expect, that as we were the first that gave the prince of Orange this advantage to rule us with a rod of iron, and lavish away our gold and silver amongst his foreigners, so we should be the first to assist King James to return without any bloodshed. He has many friends, and every day gains him more; and however we may fool ourselves with the vain hopes of King William carrying us into the heart of France, and keeping up the confederacy, neither the one, nor the other, can succeed. France is too strong for us to attack it; and the confederacy too weak to subsist much longer. It must break, and if now we should be so barbarous to oppose our old master, then he will be able to come in with much more force than we can resist; and we shall neither have the credit nor the comfort of being instrumental to such a blessing.

Let us therefore at his first appearance shew ourselves true Englishmen, own our king, own our laws, own our country and kindred, and not fight Dutch quarrels to make ourselves the laughing-stock of all nations; or as so many fools, who, in the midst of so clear a light, could not see our own and our nation's interest.

I write not this out of any discontent. I have had as much favour from King William as any other officer. I have not been dealt with as my Lord Marlborough, or my Lord Torrington, or any of those other English officers who were lately seized and imprisoned (we are certain) for no other reasons, but to prefer strangers to their commands, and it may shortly be our fate: But I have a true sense and feeling of the miseries our country must suffer, if we oppose our lawful king, which must cause more and more supplies to be sent on both sides, and so make our country an aceldama, or field of blood; whereas we now of the soldiery, if we have honest English hearts, may turn the scale, make ourselves and all our posterity happy, and restore peace and plenty to old England, and have all our arrears paid us. For King James truly loves his country, and its peace and welfare, and ever was the best master to his soldiers of any prince in Europe: And we may be assured that whatever foreigners our true and lawful king brings in (if we shew ourselves just and loyal) will soon be honourably dismissed, and we employed to regain our trade, and repair the losses this Dutch stratagem hath brought upon us. King William is wholly theirs, and they for themselves: Why should not we be for ourselves, as our king is for us? If we join as brethren, and honest Englishmen, we need not fear ambitious or self-ended courtiers, nor Dutch councils. We have the countries hearts and wishes, and they will fully requite us for freeing them from endless taxes, and still growing miseries.

Noble friends, and fellow soldiers in arms, I write not this but upon most serious deliberation, not only with myself, but with the best of our companions, and the most eminent amongst the nobility and gentry of England, who heartily concur with me in their wishes, and will also concur with us with their lives and fortunes, if we acquit ourselves like honest true Englishmen, and lovers of our country. Which with them and (I hope) with you, I resolve to do, to the utmost of my power, who am,

Noble Gentlemen and Fellow-Soldiers,

Yours in all Sincerity.

Aphorisms relating to the Kingdom of Ireland, humbly submitted to the most Noble Assembly of Lords and Commons, at the great Convention at Westminster.

At this period, the English parliament and people entertained the strongest jealousy of the independence of Ireland. These aphorisms are in the spirit of a set of resolutions, passed by the English House of Commons in 1698, for the purpose of asserting the dependence of Ireland on the crown of Great Britain, in opposition to the tenets of Mr Molyneux's treatise, entitled, "The Case of Ireland being bound by Acts of Parliament in England."

When likewise the said committee made their report, it was unanimously resolved, 'That the said book was of dangerous consequence to the crown and people of England, by denying the authority of the king and parliament of England to bind the kingdom and people of Ireland, and the subordination and dependence that Ireland has, and ought to have, upon England, as being united and annexed to the imperial crown of this realm: And that a bill, entitled, An Act for the better Security of his Majesty's Person and Government, transmitted under the great seal of Ireland, whereby an act of parliament made in England was pretended to be re-enacted, and alterations therein made, and diverse things enacted also, pretending to oblige the courts of justice and the great seal of England, by the authority of an Irish parliament, had given occasion and encouragement to the forming and publishing the dangerous positions contained in the said book. Four days after, the Commons, in a body, presented an address to the king; wherein they laid before his majesty the dangerous attempts that had been of late made by some of his subjects of Ireland to shake off their subjection to, and dependence on, this kingdom; which had manifestly appeared to the Commons, not only by the bold and pernicious assertions, in a book published and dedicated to his majesty, entitled, The Case of Ireland being bound by Acts of Parliament in England stated, but more fully and authentically by the votes and proceedings of the House of Commons in Ireland, in their late sessions: And whereby the forementioned bill, sent hither under the great seal of Ireland, whereby they would have an act passed in the parliament of England, expressly binding Ireland, to be re-enacted there, and alterations therein made; some of which amounted to a repeal of what is required by the said act made in England; and in other of the said alterations, pretending to give authority to, and oblige the courts of justice and great seal here in England: That this they could not look on but as an occasion and encouragement in the forming and publishing the dangerous positions contained in the said book: That the consequences of such positions and proceedings would be fatal to this kingdom, and even to Ireland itself, that they needed not to be enlarged on or aggravated: Therefore, as they rested satisfied, that his majesty, by his royal prudence, would prevent their being drawn into example; so they assured his majesty of their ready concurrence and assistance, in a parliamentary way, to preserve and maintain the dependence and subordination of Ireland to the imperial crown of this realm: And they humbly besought his majesty, that he would give effectual orders, to prevent any thing of the like nature for the future, and the pernicious consequences of what was passed, by punishing

and discountenancing those that had been guilty thereof: That he would take all necessary care that the laws which direct and restrain the parliament of Ireland in their actings be not evaded, and strictly observed: And that he would discourage all things which might, in any degree, lessen the dependence of Ireland upon England.' To this his majesty's answer was, 'That he would take care that what was complained of might be prevented and redressed as the Commons desired.'—RALPH's *History of England, vol. II. p.* 779.

I. "THAT Ireland is part of the dominions of England, and a kingdom subordinate to it."—This appears not only by the appeals that are made from the Chancery there, to the House of Lords here, and by writ of error from the King's Bench there, to the King's Bench here, but also by the patents which often pass under the great seal of England, for lands, honours, and offices in Ireland, and by the obligation which an English act of parliament lays on Ireland, when it is particularly named.

II. "That the crown of England hath good title to Ireland."—Not only by descent from Eva, daughter of Dermond Mac Morough, king of Leinster, whose ancestors were monarchs of Ireland, but also by lawful conquest in a just war, and by the repeated oaths and voluntary submissions of the Irish potentates and gentry in all ages, and by several statutes of recognition, and acts of parliament in that kingdom, and by above five hundred years prescription.

III. "That whoever hath the crown of England, is *ipso facto* sovereign of Ireland; and to levy war against such person is treason."—This is the natural result of the first assertion; and besides what may be collected from the statute of 11 Henry VII. of paying obedience to the king for the time being, it was so at common law, and cannot be otherwise in reason; for there is that correlation between protection and allegiance, that they must stand and fall together, and there is no difference in this case between Ireland and the Isle of Wight, or any other part of the dominions of the crown of England.

IV. "That the Lords and Commons of England have always been zealously concerned for, and liberally contributed to, the preservation of Ireland."—This appears by the many subsidies and other aids they have in all ages given towards the support of that kingdom; for Ireland was always a charge to England until the Act of Settlement was made: It cost this kingdom near 300,000*l.* per annum for some years in Queen Elizabeth's reign, and the rebellion in 1641 drained England of some millions of money, and of many thousands of men, and yet all this was spent, because,

V. "Without the subjection of Ireland, England cannot flourish, and perhaps not subsist."—For every harbour in Munster would be more prejudicial to the trade of England than either Sally or Algiers ever was; that island being so situate, that England cannot trade with Spain, the Levant, Africa, the East Indies or the West, without sailing almost in view of the old Head of Kinsale, so that England must traffic at vast disadvantage, hazard, and charge, in armed and double-manned vessels, or with great convoys. Add to this, that Ireland would be always in close league with the enemies of England, and yearly supply a vast number of able bodies to annoy it.

VI. "That Ireland was never in so much danger as it is now."—For the confederacy was never so general before, the Irish never had such quantities of arms and ammunition, they never had the city of Dublin, they never had the whole kingdom in their possession, or under their power; and, which is more than all the rest, they never had the colour or pretence of authority before this time.

VII. "That the protestants there, unless speedily relieved, must necessarily be ruined."—For the Irish, having no money, cannot support their vast army without free quarter on the English. Add to this, the decay and full stop of trade, and the

many other insupportable difficulties they labour under, and their ruin will appear inevitable without present relief.

VIII. " That no people in the world are in so miserable a condition as the protestants of Ireland."—For they are not only insulted over by their own servants, and in a certain way of beggary, but are also in continual fear and under imminent danger of being massacred.

IX. " That the English government hath been easy and favourable to the Irish."—And this evidently appears by one slight instance, viz. That the grand jury and the whole county of Cork had more trouble and charge to get rid of two Irish attorneys in the sheriffs court, and at last could not effect it, than the Irish have had to turn out most of the civil and military protestant officers in that kingdom, though some of them had got good patents for their places; and it is beyond dispute, that, for many years past, the Irish never wanted such friends at Whitehall, as made their affairs run glib in all courts of judicature and elsewhere.

X. " That nevertheless many of the Irish, and some degenerate English, would rather live under any government than that of England."—And this happens partly from the difference of humours, manners, and customs between them and us, and partly because they look upon the first conquest of Ireland, and the subsequent confiscations, to be injurious, and think a foreigner would restore them; but chiefly this aversion is to be attributed to the difference in religion, they conceiving us to be obstinate, incorrigible hereticks, and therefore they have often invited the pope, French, and Spaniard, to accept the government of that kingdom.

XI. " That ten thousand English well furnished and conducted, never were, nor never can be beaten by the Irish in that kingdom."—The first assertion is true, and the second is rational; for allowing the Irish gentry to be brave enough, yet the commoners have not courage or skill equal to the English, or near it; nor can the Irish keep more than ten or twelve thousand men together any long time, for want of forage and other necessaries.

XII. " However, less than fifteen, or perhaps twenty thousand men ought not now to attempt Ireland;"—because it will be necessary to make descents in several places; and when garrisons, and other necessary detachments, are deducted, there will not remain above ten or twelve thousand for the field.

XIII. " If these twenty thousand were divided into three bodies, in all probability there would be none, or very weak and short resistance."—For if four thousand landed in Ulster, six thousand in Munster, and ten thousand in the heart of the kingdom, the Irish would be distracted, and not know where to turn; for they have neither officers nor soldiers capable to make three distinct armies; experience will manifest, that in that case, finding themselves attacked on all sides, Tyrconnel would retire to Athlone, and thence to Galway, and in the first ship he could get, shift for himself as well as he could.

XIV. " However, reasonable conditions should not be denied them, if they will submit quietly."—For besides that it may prevent much mischief, and save the effusion of christian blood, it is unchristian to force them to desperation; they should have indemnity for what is past, and a connivance at the private exercise of their religion, by a competent number of priests for the future: This offer justifies our moderation, and, if refused, leaves them without excuse.

XV. " Whatever conditions are offered them will be rejected or postponed, unless backed with a sufficient force."—For they are in hopes of aid from France, and have very little foresight of what is future; it is not unusual among them to defy one day what they tremble at the next: It has been always a principal maxim in their politics, to procrastinate and delay their submission, in hopes of imaginary succours, until they

plunged themselves sometimes into a sea of misery, and it looks as if their destiny inclines that way now.

XVI. "That the Irish estates are sufficient to defray the charge of reducing them to their duty."—For of ten millions of plantation-acres of land, which there are in Ireland, the Irish have a fourth part, which to be purchased, is worth three millions of pounds.

XVII. "That the protestants are already damnified to that value, and in three months more will suffer as much again."—For, besides the interruption in trade and business, bad debts, and the particular wrongs and injuries done them, the losses of those that were forced to fly to England and elsewhere, the very land is one-third part lessened in the yearly value; and the two-thirds remaining are not worth so many years purchase by a third part, as it was *anno* 1684. For example, three hundred pound per annum, at twelve years purchase, being three thousand six hundred pound, is now but two hundred pound, at eight years purchase, which is one thousand six hundred pound.

XVIII. "The protestants of Ireland had been eternally ruined if it were not for the glorious atchievements of the prince of Orange."—For if they are in so ill condition at this day, in what case would they have been, if France had leisure and means to assist the Irish, and England (in a civil war) not able to relieve the protestants there.

XIX. "The polity and true scheme of government was totally overturned in Ireland."—For where reason, and the interest of England required, that the English colony should be protected by an English army; and whereas a protestant parliament in Ireland had raised a great revenue to the crown, mostly paid by protestants, in order to maintain a protestant army, on the quite contrary that army was disbanded, with circumstances as bad as the fact, and papists introduced to guard us against themselves; and Irish brought to garrison within those walls that were purposely built to keep them out.

XX. "The law was likewise subverted."—For the force and energy of the law being resolved into trials by jury,—when the judge, sheriff, jury, witness and party were all of a piece, and that in a country where perjury is so frequent, that Irish evidence is become proverbially scandalous; what could an English protestant expect, but that many notorious murders should pass unpunished, many forged deeds should be trumpt up, and many hundreds of English indicted, drawn in question, and prosecuted without so much as a probability or colour of truth.

XXI. "These injuries would have been perpetuated and legitimated, and our religion and nation destroyed there by law."—For they dissolved all corporations, on forged or frivolous pretences, and in so precipitate a manner, that they did not give competent time to draw, much less to review, the pleadings. They projected to call the eldest sons of popish noblemen by writ, and so made themselves sure of both houses of an Irish parliament.

XXII. "That the disbanded protestant officers deserve, and are fit to be employed in the recovery of Ireland."—They deserve it, and all the countenance that can be shewn them, because they have suffered much (and few people consider how much) merely for their religion and country. And they are fit, because they are acquainted with the country, the climate, and the inhabitants, and are beyond objection zealous in this cause.

XXIII. "That the prince wants neither courage, conduct, reputation, or zeal."—His attempt in England manifested his courage, his success demonstrated his conduct, and confirmed his reputation; and for the rest, the same motives that induced him to come hither, are still in being, and will prevail to advance his victorious arms to Ireland.

XXIV. "There is nothing wanting but a settled legal authority and money."—For though necessity justifies *pro hac vice*, yet our laws know no authority but what is

regal; without that there can be no parliament, nor indeed no obligation to obedience (or at most but temporary.) And as for money, though it is impossible to make a general tax seasonably for the relief of Ireland, yet perhaps a good vote of espousing the Irish concern may give credit to raise a fund, for a service so necessary and beneficial to England.

XXV. "The army will be in more danger of famine than sword."—For besides that the enemy will destroy and burn all he can, there is not in the country provision enough for both armies, and therefore great magazines must be erected at Chester, Bristol, Milford, &c. how much money soever it may cost.

XXVI. "All private understandings, in this matter of Ireland, are vain."— For no one body is able to do much, and confederacies and partnerships are lame and uncertain, because the failure of any one spoils all. Nor did any private undertaker of publick affairs ever succeed in Ireland; witness Sir Thomas Smith's project in the Ardes, and Walter Earl of Essex his in Clandeboy and the Ferny.

XXVII. "That whoever takes commission here to raise men in Ireland, does that country a great deal of wrong."—For either he takes some poor dispirited people, or such farmers, labourers, or tradesmen, as would be more useful in their vocation: Or he takes others that would of their own accord, and without pay in the militia, or otherwise, fight for their lives, families and estates; every way he robs the country of people, he hinders those that else would be raised here, and go from hence; and he makes the government depend on a broken reed, for it is impossible any men should be raised and accoutred there time enough to do service, and fit to do it.

Lastly, "Though the Irish should submit, yet Ireland will need a considerable English army."—For that kingdom is much depopulated, and there will be danger of some French attempt. But, besides all this, he knows little of Ireland, who thinks that the Irish army (when disbanded) will ever be brought to work for their living. On the contrary, many of them will turn tories,[1] so that if there be not a good army in the kingdom, it will be as unsafe and troublesome as in time of war.

A Journal of the Proceedings of the Parliament in Ireland, with the Establishment of their Forces there.

When James II. arrived in Ireland, in 1689, he found every thing favourable to his wishes, excepting the insurrections in the province of Ulster. But with the fatality which attended all his undertakings, instead of embarking with the numerous army devoted to his service, to invade England, where King William had already become unpopular, or Scotland, where Dundee was in arms, he amused himself with calling a parliament at Dublin, as if this mock state in a country, where parliaments were but little considered at any time, could supply the want of real sovereignty.

"Only six protestants," says Dalrymple, "were returned to the House of Commons; and of the protestant peers, only five lords and four bishops gave their attendance. His speech to the parliament, and some of his public papers, were full of complaints against his English subjects; topics which he might have avoided without offence to the former, but which were of all others the most galling to the latter; because the one roused an old jealousy, the other gave a new

[1] That is, banditti or rapparees, as they were otherwise called.

provocation. By proposing too, in his speech, to pass laws for the advancement of trade, and the aggrandizing of the nation, he appeared to the English to have formed a system for abolishing the dependence of Ireland upon England, and for creating a rivalship in commerce and empire between the two nations. The parliament drew up two addresses, one of loyalty to James, the other of thanks to Lewis XIV. And they passed an act, which asserted the independence of the Irish parliament and courts of justice upon those of England; measures which were only wanting to make him completely unpopular in England."

March 25, 1689.

A PROCLAMATION issued out for a parliament to be held in Dublin, May 7; no popish bishops summoned.

May 7. Parliament met in the inns: Some lords introduced; bishop of Meath and Cork amongst the rest; the king enters with robes and crown; makes a speech: Chancellor bids the commons chuse a speaker; they go to their house, and having chosen Sir Richard Nagle, present him within half an hour; he is accepted: House adjourns till ten in the morning: Two lords called by writ; chancellor, Lord ——— Nugent, and Lord Riverstown.

May 8. Bishop of Story introduced. Address of thanks to the king, and abhorrence voted. A committee appointed to draw it up. A message to the commons for their concurrence.

The king comes into the house, appoints four in the afternoon for both houses to attend him with it. A bill brought into the house by C. J. Nugent, and read twice, *rege present.* Containing a recognition of the king's title, and an abhorrence of the Prince of Orange's usurpation, and of the defection of the English; ordered after to be engrossed: Committees of grievances and petitions appointed: House adjourned till Friday morning.

May 10. King comes into the house, and stays there all the session: Bill of recognition, &c. read the third time; sent down to the commons by two judges, who report the delivery of it. A bill brought in by C. J. Nugent, for encouraging trade, by inviting strangers into the kingdom, taking only the oath of fidelity, read once. The king directs the house in the methods of proceeding; adjourned to ten next day: At four afternoon committee of petitions and trade sat; a petition preferred by Nagle against Gerard Borre, Esq. for perquisites of the clerk of parliament; Borre ordered to appear Monday following at four in the afternoon.

May 11. Bishop of Limerick introduced: House ordered to attend the king in their robes, which they did: The orders of the house read: Bill for trade read the second time, and committed: Bill of recognition brought into the house from the commons; at eleven the king comes to the house in his robes, and passes the bill; the king goes out. 'Tis disputed whether the session was not discontinued by passing the bill; moved to refer it to the judges by the bishop of Meath; over-ruled, and resolved in the negative. Adjourned till Monday.

May 13. A bill brought into the house by C. J. Nugent for altering the act of settlement; read once, and motion made for the second reading, but rejected. The king present at four in the afternoon; the committee of petitions and privileges sat; Borre's answer put in, and Nagle ordered to reply. Lord Britta's petition concerning his arrest eighteen years ago, read; affidavit ordered to be made, and on the affidavit the party to be committed to the black rod.

May 14. The peers names called; license of absence granted, and proxies admitted: Two bills brought up by the commons, and read once; one for recalling all grants of civil offices from the king, during life or good behaviour: Another against writs of error, and appeal into England; and that an act of parliament in England shall not bind Ireland. King present all the while.

May 15. Earl of Westmeath introduced bill for vacating offices, &c. read second time, and committed; Speaker quits the chair: Chief justice Nugent called up by the king to be chairman; the bishop of Meath against it for two reasons; 1st, Because able officers might be turned out without fault; 2d, It was unjust to turn men out of freehold without trial or compensation; the Lord Chancellor for it, because to the king's prejudice to grant them: The house reassumed, and the bill read a third time; at every sentence the clerk stopt, and the speaker asks the house, shall it pass without amendment? It was put to the vote; all consent but the bishop of Meath, who desired to protest, but was denied, because he offered it too late; *viz.* after the votes were past; king present all along.

May 16. Chief justice Nugent reports the alterations made in the Bill of Trade: The Bill against Writs of Error, &c. read the second time, and committed: Speaker quits his place; chief justice Nugent assumes it: Bishop of Meath argues against it, because against his oath of supremacy to the king; because prejudicial to the king and kingdom; robbing the king of his prerogative, and the subject of the liberty of appealing to the king in person: He desires a clause in the latter end for saving all writs of error, and appeals now depending in England: The lord chancellor for the bill, argues from the ease and benefit of the subject. The house reassumed, the bill read *seriatim*, as the other before; after that, put to the vote; all consent: The king present at all the debates. A bill read once, making it treason to bring in counterfeit foreign coin into the kingdom; referred to the committee. A petition preferred about butter-casks, and referred. At four in the afternoon the committee sits, and refers the bill about money to the judges; and that about casks to the committee of trade.

May 17. The bill about trade read twice, and passed *nemine contradicente:* Lord Primate's summons and proxy granted to the bishop of Meath, read and allowed: Objected, That the proxy should be introduced, not allowed, because the primate did not appear; but it was carried in the negative, and precedents were cited for it.

May 18. Journals of the last day read: A petition for the relief of some poor prisoners read, and referred to the committee.

May 20. Journals of the house read; Lord Dillon introduced.

May 21. Earl of Barrymore's proxy granted to the Lord Granard, allowed, but not read: Lord Dansany's proxy granted.

May 22. Lord Trimnestown and Lord Kilmahar introduced. Motion made by bishop of Meath against the sheriffs of Dublin for quartering an officer upon him: Ordered, That no peer should be quartered on; and that the sheriff should be committed to the black rod. The bill for repealing the Acts of Settlement brought up from the commons by Col. Macarty, and lodged in the house.

Observe, That nothing was done in the house for four days before, because the king waited for this bill from the commons; and that the king sent frequently for it; the black rod having called to the House of Commons six or seven times this very day to send it up, the Lords House and King spent the time in discourses and news.

May 23. Journals of last day read. The bill from the commons lodged yesterday read this day once; motion made to have it read again in the afternoon, but rejected: Bishop of Meath moves, That the lords bill might have precedence of it in reading, or at least, that both might be committed; the first rejected, the latter granted: The commons bill ordered to be read next morning.

May 24. Col. Macarty, made Baron Mount Cassan, introduced. The commons bill of repeal read again, and committed to the whole house; moved the lords bill of repeal might be read and committed, but denied. Several petitions read, put in by persons concerned under the acts; all referred except Capt. Kelly's.

May 25. Bill about counterfeit foreign coin amended, and read the third time: Controversy between Trimnestown and Dunsany about precedencies, reported by the

committee, adjudged to Trimnestown, because it was so in 1634; with a saving to Dunsany if he can shew a better right. Several petitions read, preferred by persons concerned under the acts of settlement and explanation, and by others for remainders: One by Lord Clan Meleera, to be relieved against the sale of his estate to Sir Patrick Trant.

May 27. Several petitions read, and counsel on them heard at the lords' bar, viz. Lord Galway's, Matthew's, Lord Kingstown's brother's, Sir Henry Bingham's brother's; the scope of them all was, To have savings for their remainders, and consideration for their improvements; referred all to the committee of petitions.

May 28. Several petitions read relating to the Act of Settlement; Bill of Repeal read the second time; the house adjourned during pleasure, and resolved into a grand committee; the Bill of Repeal read by paragraphs; some objections made, which occasioned some alterations. Motion made for adjourning till Thursday, because Wednesday was a holiday; the king asked, What holiday? Answered, The restoration of his brother and himself, &c. He replied, The fitter to restore those loyal catholic gentlemen that had suffered with him, and been kept unjustly out of their estates; the motion rejected.

May 29. Petitions read, and referred to the committee; the house resolved into a grand committee; the rest of the bill read by paragraphs; objections made; some overruled, others thought reasonable; king offers a new preamble to the bill, instead of that which was sent up from the commons house; assented to it. Judge Daly impeached by the commons; at four in the afternoon committee of petitions sits; chief justice Keating's petition read; Lord Forbes's and Lord Galway's adjourned to the 31st, because the 30th was a popish holiday.

May 31. Judge Daly's petition read and granted; scope of it for time to answer the commons impeachments, and to have a copy of it: Lord Galway's heard at the bar about his lady's remainder in Lord Lanesbury's estate: Proviso granted for it: Lord Riverstown reports the alterations made in the Bill of Repeal by the committee, which were all consented to.

June 1. John Brown's petition read and argued at the bar; the chairman reports the alterations and additions made to the Bill of Repeal, which are approved: Judge Daly's petition, desiring a further day for an answer, read and granted. Mrs Wall's bill against her husband read once.

June 3. Petitions read, and referred to the committee: Lord Galway's counsel heard at the bar concerning his lady's remainder, and arrears due to the heirs of Ulick, Earl of Clanricard: Lord Riverstown reports from the committee several alterations and provisoes to be inserted in the Bill of Repeal; which were each twice read. Sir William Talbot came up with a message from the commons, which imported their earnest request to the lords, to pass the bill with all the expedition they could, because the heart and courage of the whole nation were bound up in it.

June 4. Journals read: Petition from the bishop of Cork for relief for arrears of rents: A bill for Mrs Wall against her husband, read the second time: Lord Riverstown reports new alterations, new provisoes in the Bill of Repeal; the new ones read twice; the whole bill, with all its alterations and provisoes, read; after reading, the bishop of Meath speaks against it, lord chancellor and Riverstown for it; the bishops desire leave to enter their protest, and four of the temporal lords, which were all the protestants in the house. *Mem.* That the king said, that they must not enter their protestation, but only their dissent; for protestation came in in rebellious times, and that they should not give the reasons of their protestation.

June 5. *The Bishops Protestation.* "We, the lords spiritual in parliament assembled, whose names are hereafter subscribed, having for divers reasons, then humbly offered to the House of Lords, dissented from passing the bill into a law, sent up to this honourable house from the House of Commons, entitled An Act repealing the Acts of Set-

tlement and Explanation, &c. and having obtained leave from the House of Lords to enter our dissent against the said bill, do accordingly subscribe our dissent from the said bill."

This was brought in parchment to the clerk of the parliament the next morning before the house sat, and signed, Meath, Ossory, Cork, Limerick; the like protestation in parchment signed per Granard, Longford, Rosse, Howth.

"I, Anthony Bishop of Meath, being constituted and allowed proxy for the most reverend father in God Mich. Lord Archbishop of Armagh, do, in his name and behalf, dissent from the said bill. Mich. Armagh."

The like signed by Ossory, as Waterford's proxy.

Journals of the house read: Lord Clan Maleera's case against Sir Patrick Trant heard at the bar, and adjudged against: The Lord Mountgarret petitions the house that Sir John Ivory may commit no waste on his estate; a general order made against it. Committees of trade, privileges, and petitions revived: A committee appointed for Mrs Ward's bill.

June 6. Journals read; officers of the house petition about introduction fees, read, and referred to the committee; George Kelly, constable, ordered to be committed for his insolence to Lord Longford.

June 7. Journals read: Message from the commons for a conference about exceptions to the alterations made in the Bill of Repeal; four lords appointed to meet them immediately in the chamber over the Lords House; the lords ordered only to hear their objections, and report them, which they did accordingly. The order against waste and spoiling improvements read and approved: Lord Riverstown moves, that constables and sheriffs might have power to commit the possessor that made any waste; judges opinions asked; all against it, and the house agrees with them.

June 8. The House of Commons desire to withdraw their impeachment against judge Daly, having accepted his submission, which was granted: A present conference desired by the lords upon the subject of the last conference, wherein the lords of the committee report what they agree, and what they insist on, together with the reasons why they insist on them.

June 10. Journals of the last day read: A petition of Bridges read, concerning his being turned out of possession by the proprietor; the house would do nothing in it; the rest of the morning spent in discourse.

June 11. A free conference between the two houses, concerning the Bill of Repeal; the commons insist on two things; 1st, That the present possessors may have time to remove till May next; 2dly, That all remainders may be forfeited, and vested in the king; journals read.

Establishment, May 1689.

d. p. diem. p. mens.				Men.
6 ½	16 3	1	Troop of grenadiers contains - - - - -	50
6 ½	16 3	7	Regiments of horse contain - - - - -	2750
5 ¼	13 1½	7	Regiments of dragoons contain - - - -	3800
			The royal Reg. contains 22 comp. 90 in each co. -	1980
4	10	42	Regiments of foot, 13 comp. 62 men each - -	33852
				Total 42432

Deductions.

3 d. *per pound* for the hospital, from all soldiers and officers.

1 d. *per diem* for the cloaths, ½ for shoes, and ½ for cloaths. Foot.

1 ¼ *per diem* from dragoons, ½ for furniture, ¾ for horses. Dragoons.

1 ½ *per diem* from troopers, ½ to the captain for furniture, 1 d. for the clerk.

HORSE, 7 Reg.

Duke of Tyrconnel
Lord Galmoy
Col. Sarsfield
Col. Southerland
Lord Abercorne
Col. H. Lutrel
Col. Parker

DRAGOONS, 7 Reg.

Lord Dungan
Sir Neil O'Neil
Col. Dan. O'Brien
Col. Nicholas Purcell
Col. Clifford
Sir James Cotter
Col. Simon Luttrel

FOOT, 42 Regiments.

Col. John Hamilton Ramsey
Earl of Clancarty
Col. Ant. Hamilton
Earl of Clanricard
Earl of Antrim
Lord Gormanstown
Lord Clare
Lord Galloway
Lord Sland
Lord Lowth
Lord Duleek
Monsieur Boislon
Sir Val. Brown
Sir John Fitzgerald
Sir Maur. Euslaw
Col. Wil. Nugent
Col. H. Dillon
Col. John Grace
Col. Rich. Butler
Col. Edw. Butler
Col. Walter Butler
Col. John Bourk
Col. Char. Moore
Col. Corn. O'Neil
Col. Cavenagh
Col. Gordon O'Neil
Col. Nich. Brown
Sir Mich. Creagh
Col. Brien Mac Maghon
Col. Tool.
Col. Oxbrough
Col. Maccarty Moor
Col. Barret
Col. Farrel
Col. Bagnall
Lord Bagnall
Lord Tyrone
Col. Cha. O'Brien
Lord Iveagh
Col. O'Donavan
Col. Dom. Brown

A Letter from Dublin.

This is a letter of intelligence, containing the rumours afloat at this busy period: It gives a dreadful account of the distracted state of Ulster, when King James's forces were engaged in the siege of Londonderry.

June 12*th*, 1689.

I, FOR some particular reasons, resolved not to write to you any more, especially being uncertain whether you received my former; or, if you did, whether they were of any use; but the particular reason of my not writing being partly ceased, I consider it is no great matter if I lose my pains. I hope to send you an abstract of what has been done in the House of Lords and Commons, having a promise of such an account from those that know them. We have had three expresses from England: John Brown the lawyer came over about a fortnight ago from Milford, and landed at Waterford; Sir J— C—'s son came in a wherry, and landed about Wickloe, but that which was most material, was from the Lord M. by some quakers, that came last week hither in a wherry; some the like went yesterday back to you; we have several expresses sent

over to you that way; and a strict embargo, lest any should follow and discover them. You must not expect the secret of their messages from me, only 'tis reported, that John Brown brought no letters with him, but came over with a design to save his iron-works from the new proprietors: I hear that upon his petition to the parliament, the possession is secured to him by a proviso, he paying rent: He reports that England is unanimous, and that we must expect an invasion by the next easterly wind: The quakers and Crosby talk likewise of an invasion, but represent the people of England as dissatisfied. I find there is still an expectation and dependence on Scotland,[5] though not so strong as at first; we talk very confidently of a fleet, and fifteen thousand fusileers, from France; the French fleet to consist of eighty men of war: I verily believe there is something in it; without some such aid, Ireland does appear but an easy conquest, which is not the French interest. The misery of this town is very great, some being little better than dragooned by the quartering of soldiers; some have ten, some twelve, some twenty or thirty quartered on them; and yet I cannot find, that besides what came in to-day, there were above three thousand and odd men in town; but the reason is plain, each man has many quarters, and some captains make thirty or forty shillings a week by them; they come in by twelve, one or two of the clock by night, to demand quarters, and turn people out of their beds, beat, wound, and sometimes rob them: There are two or three hundred priests in town, and they are quartered likewise as the soldiers; and so are generally noblemen and gentlemen, with their retinue, though not actually in the army. I have sent you the new establishment of the forces, only I think four regiments of horse, and some of dragoons, are not yet raised. I hear all those people called rapperees, or half-pikemen, are to be mustered and armed; commissions are signing for all that can bear arms in the kingdom. Duke of Tyrconnel disbanded two thousand a few weeks ago, which are all entertained again, or at least as many as will come in; but we are most strangely uncertain in all our counsels, which is visible not only in this, but in every thing else: One day the camp near Dublin is to go on, and they work close at it, then it is intermitted and laid aside: One day we are to go into England, and send a declaration before us, and to be restored; another day we are frightened with a rumour of an army landing out of England to drive us out of all; yet the king seems very well contented and pleasant; he sleeps, eats, and is in better health than usual. Tuesday the 4th instant, we had an alarm that Derry was burnt with bombs, that the king's army had taken it, and put all in it to the sword; Nugent of Carlandstown brought this news into the House of Commons, just when they were putting to the vote, whether they should prosecute the impeachment against judge Daly; some think Nugent, being his friend, did it designedly; the news was received with loud huzzas, and in that good and jolly humour they acquitted the judge: But our Friday's express brought us another account, which was, that the king's forces had endeavoured to regain the Windmill-hill, out of which they had been beaten by the sally when Ramsey the king's general was killed, but that they were beaten off with great loss; this was on Tuesday, and by computation, about the same time the huzza was made in the House of Commons. Colonel Dorrington and Colonel Nugent, two of the briskest officers of the king's army, are desperately wounded, if not dead. 'Tis reported, that seven field officers were killed or taken, and about thirty other officers. We have no certain account of the soldiers, the best account says, three hundred fell: 'Tis said they run away, and left their officers in the lurch. I am promised a list of the officers that were killed: It is said that there are not above five thousand in the king's camp at Derry, notwithstanding all that have gone down, a great many having run away as soon as they had loaded themselves with plunder, and above two thousand being killed or dead since their first going down; they shake and

[5] Where the Viscount of Dundee was then in arms.

tremble so when they come to charge, that they cannot fire; they that have match-locks cannot be brought by any means to discipline, or to use them aright. this I have from a good hand. We hear that some English ships are in the lough of Derry, a boom with trees and masts is made cross the river at Culmore fort, to hinder any succours, that a ship who attempted to get up is stranded. I believe their greatest want in Derry is firing, and coals will be a very precious commodity with them and I believe in a little while they will want clothes for wearing, and drink. They talk if old Sir Charles Coot were alive, and had but a thousand horse, to the foot that are in the town, he would not fail to fight the king's army in the field. About the beginning of this month, a party of horse and foot from Inniskilling, made an inroad into the county of Cavan, they drove all the cattle off the county, they did not spare protestants who were under protection; only such as would go with them, they helped away with their bag and baggage; those that would not go, were forced to part with all to them; which they said they did, lest the king's forces should make a prey of them; they took all provision, horses and arms, they could meet with; they disarmed some of the king's forces that lay at Belturbeit, Bally-Carrig, and elsewhere; they burnt only such places as were of strength, and capable of being garrisoned; they killed none; they came as far as Finagh and Virginia, which you will find in the maps: The party is said to have been two thousand; we were alarmed at this here, and general Monsieur Rosen went down to Trim with four field-pieces, and several regiments, amongst the rest the Lord Mayor's of Dublin, who led his men himself; twelve regiments, I hear, were designed; I hear the bullets both for the field-pieces and muskets were found to have been too big, which made General Rosen storm horribly: Since the defeat at Derry, I hear he and the forces designed for Inniskilling are commanded to Derry; two of the field-pieces are come back. General Hamilton is suspected and railed at by the commonalty; but I do not believe that there is any ground for it, or that the king does entertain any thoughts of it. It is reported from good hands, that the people of Inniskilling have made up their horse near fifteen hundred, and their foot near six thousand; a party so considerable, that it is feared England may think itself concerned to save them by hastening their invasion, if they intend any. There are many discontents among the Roman catholics about the acts of settlement, and the French, for the natives look very suspiciously on them, and many do publicly say that they are sold to the French; at least, that cautionary towns are to be given them. If an army should invade us before these discontents are quieted, it is to be feared, that they would soon gain the submission of a considerable party of the Roman catholics upon good terms; and perhaps, if their help were accepted, would join to drive out the French; but England is so exceedingly slow, that it is believed they will lose the hearts of all, and even such as wish it well will not think it safe to depend on it. It is observed, that putting French officers in the place of the Irish, who raised the men, causes great discontents, many of the common soldiers run away from their colours upon it. Several protestant gentlemen in the north had commissions from the P., and have fairly run away with them into England, or come to Dublin upon protection or pardon; but the country people have chosen commanders for themselves, who have no commissions, and have formed themselves into troops and companies; of this sort are generally those in Derry and Inniskilling; they all expect to be continued in the commissions they have given themselves, when any army comes out of England; and the hope of this, 'tis believed, makes them obstinate to all offers from the king; they say, the gentlemen that left them deserve no countenance at all, but rather that some part of their estates that went away, should be given as a reward to such as staid and defended them. June the 13th, to-day the House of Commons agreed to the amendments made by the House of Lords to the Bill of Repeal, so that affair is over, and wants only the royal assent. An express came in from Cavan, which gives us this

account: That General Rosen had ordered the sheriff of that county to make a kind of a magazine of corn and other provisions in the town of Cavan, to supply the king's army in their march to Inniskilling, and had appointed two companies to guard it, and that a party from Inniskilling had surprised the guards, and taken it: Inniskilling people are certainly there, but whether they took the man is a doubt, but the provision is certainly taken. It is said there are now in Dublin nine regiments of foot, and eight more are expected; many of them are raw, and never handled arms; there are about two troops of horse; I cannot learn whose regiments they are: You may wonder I cannot give an exact account of what men are in Dublin, but the reason is, their frequent removals; sometimes in one day three regiments will come to town, and two go out; sometimes those that are expected in town will be countermanded within six or seven miles; they often come in and go out by night, and every thing is so changed and huddled, that it is impossible to give any good account. We do not confide much in these men, though the whole seventeen regiments expected were with us, because they are very raw and undisciplined. There is a general press for all horses, without exception of papists, who had favour before, but there must be no distinction, the occasion being very urgent; for the king is said not to have above a thousand good horse in all the army, most of which are in the north. The miserable usage in the country is unspeakable, and every day like to be worse and worse; many alledge that the rapperees have secret orders to fall anew on the protestants that have any thing left; the ground of this may be their pretending such an order, for they commonly pretend an order for any mischief they have a mind to; you have had my sense of this matter before: Cork is most vilely abused by their M. Governor Boysloe. The bill for liberty of conscience is come to the House of Lords; it repeals every statute made in favour of the protestant religion, and, if lawyers may be believed, it settles popery as legally as it was in Henry VIIth's time: You may guess from the inclosed brief, what authority Roman catholic bishops will claim over protestants. The commissioners have seized all goods of absenters, and are actually disposing of them: It is reported that they are about procuring an act of parliament to put penalties and oaths upon the concealers of any of them, and to indemnify themselves for their proceeding hitherto, which the protestants reckon plundering, and say is against all law: The same commissioners set leases of all absenters' estates, though no legal inquisition is yet past on them; some say that they set even estates of such as are in the kingdom, upon presumption that they will find some way or other to entitle the king to them; one way is, to get two or three named commissioners, who slip into some blind alehouse, and privately find a title for the king, by returning, that the possessors are absent, or rebels, though they live then upon the lands, or are in the courts of Dublin, and all this without any summons to the parties concerned, or possessors, or oaths of jurors; all this is said, and further, that several of those have come to inform the commissioners how they have been abused, but can't yet get admittance, the commissioners are so busy setting leases. The bishop of Cork's case, which you will find in the votes, and wherein the parliament refused him redress, was this: Several of his tenants owed him arrears of rent, the king seized upon their goods because they were absent; he desires to be paid his arrears out of the goods found on the lands, which he desired leave to distrain on; but he was told he must sue the tenants on the covenants of their leases, and recover his rent as he could. This is like to be a precedent, and no creditor, landlord, or mortgagee, whose tenant is absent, is like to get any thing, because the king has seized the goods and lands which were his security. I hear, likewise, where the landlords are absent, lessees are disturbed and left to seek redress from their absent landlords. The commons quarrel to Judge Daly, for which they impeached him, was upon some private discourse he had with Sir Alick Bourk, and some other gentlemen, in which he disapproved of the commons proceedings, and said, they were a kind of Massanello's

assembly, and that it could not be expected that men from whom the king took estates, would fight for him, or to this effect.

An Apology for the Protestants of Ireland. In a brief Narrative of the late Revolutions in that Kingdom, and an Account of the present State thereof. 1689.

———Quæque ipse miserrima vidi,
Et quorum pars magna fui,——

While the revolution proceeded quietly in England, a panic arose among the protestants of the north of Ireland. Tyrconnel the Lord Lieutenant had as yet declared for neither party, but his zeal for the catholic religion, and the number of papist regiments which he daily raised and augmented, reminded the inhabitants of Ulster of the insurrection of the papists in 1642. Londonderry shut her gates against a papist regiment ordered into quarters there by Tyrconnel; the inhabitants of Inniskilling took up arms, and the example of these two towns occasioned a general insurrection of the protestants through the whole province of Ulster. They made an union among the various counties, appointed a commander for each, and a general council to be held at Hilsborough. Tyrconnel temporized with the spirit of resistance which his conduct had excited, until he had persuaded Lord Montjoy, who was reckoned the head of the protestants, to go to France on pretence of accommodating matters with the late king. So soon as he arrived at Paris he was committed to the Bastile. When this news arrived in Ireland, both catholics and protestants considered it as the signal of a civil or rather religious war between them.

The present Manifesto explains the grounds of assuming arms on the protestant side.

Sir,

I am urged by the incentives of love and gratitude for the many obligations you have laid upon me, and by the conscience of my own promise, to render you an account of the late revolutions in the kingdom of Ireland; and to lay before you a true scheme of the present condition of that miserable and forlorn country. In the performance whereof, if I be necessitated to utter some unwelcome truths, I bespeak your charity to believe it does not proceed from any design of a malicious reflection, but from that irresistible force that naturally attends a faithful narration. And because the misery of exile and desertion is sensibly aggravated by their cruel and unequal censure, who neither understand the cause, nor pity the effects of so fatal a dereliction of our estates and habitations, but severely upbraid us with an unconstrained, timorous, and unnecessary flight; it will not be possible to obviate such ill-grounded cavils, or to describe the present face of affairs, without a retrospect on the countenance of things as they formerly appeared.

While Charles the Second swayed the sceptre, though the papists were too much countenanced and indulged, and many hardships placed on the protestants, especially in relation to the Act of Settlement, yet, by the favour of Heaven upon the extraordinary fertility of the land, Ireland was under very auspicious circumstances: The church flourished, trade increased, the cities and towns were every year enlarged with new additions, the country enriched and beautified with houses and plantations, the

farms were loaden with stock, and ready and quick markets there were to vent them: The laws had a free and uninterrupted course, and a standing army was so far from being a terror, that they were the comfort and security of the people: In a word, peace, wealth, and plenty, were become universal and epidemical, and all things conspired to a generous emulation with our mother and neighbour, England.

But no sooner did this bright sun set, and a new one appeared in the firmament, but clouds and vapours, storms, and tempests arose in our horizon, which have since broke out in trouble and confusion, not like to be settled and appeased, but in a general desolation, and depopulation of the whole kingdom. Indeed, at first we were flattered with some hopes of a calm season, by the arrival of the Right Honourable the Earl of Clarendon, and his establishment in the supreme command; but his commission was stinted, his authority far short of what was allowed to his predecessors in that government, and Colonel Richard Talbot (newly advanced to the ominous title of Tyrconnel) openly and impudently appeared his comptroller and supervisor; most unjustly and presumptuously assuming a power to purge the army, to divest the officers of their commissions, and to disband thousands of stout well-trained soldiers, despoiling them of the very coats they had before paid for, and turning them off naked, and bare, to beg, and seek their livelihood, treating them with great barbarity, and in a jeering and scornful manner, giving out, that he must have the whole army of one size,[1] *i. e.* to be modellised and measured by the standard of Rome, and no man to receive pay from a popish king, but he that openly gave himself up to the avowed profession of popery. Thus was an army (not to be excelled, for their number, by any army in Europe) broken without a rout; some hundreds of gallant officers arbitrarily turned out, without the satisfaction of assigning any cause, and in their rooms notorious rebels and murtherers, or the sons and offspring of such, placed; the troops and companies filled with thieves, tories, robbers, and gaol-birds: By which act, as the insolency and inhumanity of the papists was palpably discovered, so the modesty, submission, and non-resistance of the protestants was evident to the world, by their patient undergoing this martyrdom in their fortunes. Soon after that noble earl was removed, whose administration was much disrelished by the prevalent party, because so grateful to the protestants (to accompany whose departure, and to avoid the tyranny of him that was to follow, 1500 families deserted Dublin.) To him succeeded the inglorious Earl of Tyrconnel, in his morals an atheist, in his profession a bigot, an egregious dissembler, and, if not a coward, one over careful of his own safety; a lover of himself without a rival: From whose entrance we may date the calamities and destruction of the protestant religion, and of the British interest in Ireland. For having at first culled, and afterward quite changed the army, metamorphosing mantles into redcoats, brogues into jack-boots, and cow-boys into captains, he dispersed his hellish legions among all the towns and garrisons, where the name of the Irish grenadiers became as formidable as the French dragoons. Next he proceeded to reform the courts and civil list; displacing the privy-counsellors, the judges, superseding the justices of peace, turning out the sheriffs, and changing the officers employed in the public revenue; constituting in their rooms the most inconsiderable varlets, men of no honesty, understanding, or estate, of no skill in their laws, or interest in their country. It was too soon for him to attack the church, to invade the bishopricks, or eject the ministers; but in every city and great town he erected mass-houses, re-edified the friaries, made popish coadjutors to the chaplains of every regiment, and let loose a swarm of jesuits and regulars to infest the land; and Peter Manby Dean of Derry, having apos-

[1] This might be understood literally as well as metaphorically; for Tyrconnel, from the facility of finding recruits, in a country full of people and fond of war, actually raised several regiments, where few soldiers were under six feet high.

tatized from the religion he was bred in, degraded himself from his function, and degenerated into a layman, yet obtained a patent to enjoy the revenues of the deanery, and all vacant bishopricks, and other church dignities, were sequestered and applied to the maintenance of the popish clergy. To complete the catastrophe, a *quo warranto*, or a *scire facias* was issued to every city and corporation through the kingdom, whereof some tamely submitted to a surrender, others were condemned upon a *nihil dicit*; while such as pleaded and defended their right, had no other return for their toil and expences, but a scornful publication of a partial and illegal sentence agreed on and determined in the cabal, before the hearing in the court. A new charter was sent to Londonderry, and none made aldermen or burgesses there, but the sons and descendants of notorious rank rebels. But lest the hereticks should grow sturdy, and be in a capacity to defend themselves against the next massacre, a proclamation was issued, requiring all the officers of the militia, both horse and foot, forthwith to deliver in to the next magazine all their arms: and by this knack, all those of the church of England (for no other were of the militia) were left naked and disarmed: Soon after the justices of the peace in the several counties, were required to take away all arms from such as did not come to church, and to render them into the next stores; and by this trick all the dissenters were left utterly defenceless.

And now popery began to be triumphant, the lord deputy and his privy-council (excepting a very few) the lord chancellor, and all the judges, (except three) the attorney-general and the king's serjeants, the justices of the peace, and sheriffs in each county (except in such places where no papists were to be had) all violent and eager promoters of the Romish religion: The mass publickly celebrated in every town; the friars marching in their habits undisturbed; the army reformed to their own cue, no man countenanced, or made a candidate for any preferment, but he that truckled to the see of Rome; the charters of all cities, towns, and corporations taken away, or condemned; and ignorant, indigent, scandalous, and mean persons obtruded upon them. Titles to estates began to be questioned, and some unrighteous judgments given; and what else could be expected, when judges, jurors, and sheriffs were all of one stamp? The protestants were daily abused, and persecuted upon sham plots, which never had an existence or foundation, but in the heads of these malicious accusers; and several gentlemen were imprisoned, indicted, and tried for their lives. And Tyrconnel was heard to say to his countrymen (and, as is reported, by direction from his lord and master) You have now the sword in your hands, the king has given you your own country to be the refuge of catholics, keep it now you have it, and never suffer the damned heretics to possess it again.'

In this posture of affairs, was it not high time for the protestants to look about them? to consult their safety, and by a timely removal, to avoid those imminent dangers that threatened them? They began indeed to be under dreadful apprehensions, and such as wisely foresaw the approaching miseries, and were in a capacity to do it, withdrew themselves, their families, and effects, into England and Scotland; by which means so great an obstruction was made to the circulation of money, that there followed a general decay of trade through the kingdom; the tenants were rendered unable to pay their rents, and the landlords to subsist. Nevertheless, in all the towns and counties there were multitudes, who courageously resolved to abide the brunt, and with a patient resignation to expect a day of redemption from the slavery whereunto they were subjected, resolving to follow the fate of England, or hoping for seasonable relief from them. In the mean time the Prince of Orange, having a tender regard to the gasping condition of the protestant religion, and condescending to assist the nobility and gentry of England, in their rescue from popery, slavery, and arbitrary power, the Lord Tyrconnel publickly gave out threatning speeches, that if the prince did send any forces thither, he would raise and arm all the Irish from sixteen to sixty, and leave all the

protestants to their mercy. This proved a new and an amazing terror to the protestants; they plainly saw, that if any forces came from England, to call the papists to account, or to support them, their lives would be made a sacrifice to the fury and revenge of the enemy; and that if none came to their assistance, they remained hourly exposed to rapine, massacre, and murder; this terrible two-edged consideration took such impression on them, that abundance of men, women, and children withdrew themselves, and abandoned the kingdom.

But about the beginning of December last a letter was found, without a subscription, directed to the Earl of Mont-Alexander, giving him a friendly warning to take heed to himself, and positively averring a determinate design to massacre all the protestants through the kingdom, man, woman, and child, and this to be perpetrated precisely on the ninth of December.[1] Copies of this letter were immediately transmitted to Dublin, and dispersed in all the adjacent counties; and it is as incredible to comprehend, as it is impossible to express, what operation this had on the minds of all people, who being either eye-witnesses of the horrid cruelties committed by the Irish in the last rebellion, without the least relenting compassion to age or sex; or having received an indelible impression of their barbarous actions, from such as were sufferers or spectators of them; they could by no consideration or arguments be rallied into any assurance, or be persuaded to adventure their safety under an armed power, or continue among those whose principles dispose them to the utter extirpation of such as they account heretics. Hereupon a vast number of people in great precipitation removed into England with their families (especially from about Dublin) leaving their goods and household-stuff behind them. With some it had a contrary effect, and generally through the province of Ulster, the inhabitants whereof began upon this alarm to stand upon their guard, and to keep strong wards and watches, resolving neither to fly nor be surprised; though many things (not known in other parts) contributed to their conviction of the reality of the intended massacre; as the voluntary confessions of certain priests in the county of Donegal, who warned their friends secretly to depart, because there was a general massacre designed; that the priests were against it, but had been over-voted by the friars. The evidence given to a justice of the peace in the county of Londonderry, that one of their titular deans was buying up horses and arms, and had declared that within two or three years past he had laid out 500l. in buying arms, and that he had bespoke as many iron chains to be reins for bridles, as would serve sixty horse (one of which chains, five yards long, was delivered to the said justice by the smith that made it.) The words spoken by father Daly, guardian of the friary at Armagh, who (when he heard that the Prince of Orange was to land in England) said publickly, that they might thank their devil of a king for this, for if he had destroyed all the protestants when it was in his power, they had not now called in the Dutch. But, above all, the attempt of the papists to possess Londonderry, at that very nick of time, turned the suspicion into a confident persuasion of the truth of what was reported. Londonderry was then (by the mercy of God, and the improvidence of the deputy) without any garrison at all in it, the soldiers being a little before transported upon the expedition into England; and it falling so out, that upon the very day when a copy of the above-mentioned letter was sent to that city, (namely, the 7th of December) the Earl of Antrim, with a numerous party of Highlanders and Irish, was on his march to possess and command that place; the inhabitants looked upon the advance of so many papists on the 7th day, to be the prologue to the tragedy intended to be acted on the 9th day, and judging, that if they were once admitted, all the Ulster and Conaght Irish might draw thither, and from thence diffuse themselves through

[1] This letter, from its style, seemed to be written by some very low person, and nothing appeared to confirm the tidings it bore. But it fell in with the passions and fears of the protestants, and received unlimited credit.

the province, and with great facility exterminate all the protestants, they (by advice of a gentleman in the neighbourhood) shut their gates and kept them out, and by his conduct defended the place, till a protestant garrison was settled in it.

And now the deputy began to exert his art, as before he had manifested his tyrannical and usurped authority; for, considering that Londonderry was out of the papists hands, and that the protestants in Ulster were very numerous, he began to cajole and flatter them, for he secretly gave out commissions for raising thirty regiments; and having circumvented the Lord Montjoy with specious pretences of moderation and peace, and prevailed with him to go on a mock embassy to King James, then in France, he condescended to certain articles which carried a shew of mildness and equity, but really were only a mask to cover his designs, and to amuse the people; and they were to this effect: 1st, That no more forces should be raised, nor more arms delivered out of the stores. 2dly, That the new levies should be dismissed. 3dly, That no forces should be sent into Ulster. 4thly, That no nobleman's or gentleman's house should be made a garrison against his will. Which stipulations the deputy heartily swore to, and assured by many direful imprecations. No sooner was the Lord Montjoy gone (who was made the messenger of his own fate, and carried Bellerophon's letters with him) but the deputy proceeded to form a new army, and gave out commissions for many regiments of horse, dragoons, and foot, to the number of forty thousand men, without any other warrant than a bare letter from his king, emptied all the stores and magazines, and furnished the soldiers with competent arms, encouraging the women and boys, and the whole rabble of people, to provide skenes and half-pikes, and to live upon the plunder of the protestants; and having no pay to give among the new levies, each captain undertook to give subsistence to his men in beef and meal for three months; and this they borrowed from the protestants, daily robbing them at noon day, and carrying away their sheep and cattle in flocks and droves. And when he had raised a formidable army, and very well knew how naked and defenceless the protestants were (having twice before disarmed them) he began palpably to discover how exact and punctual an observer he intended to be of his oaths and promises; and by the following letters from Dublin, you may see how he began to handle those that were in his clutches.

Sir,

Dublin is surrounded for thirty miles about, with popish forces newly raised, and some of the standing army; all the avenues to it are stopt and guarded: So that it is not possible to move, or travel five miles, without being stopt and examined, and for the most part disarmed, dismounted, and pillaged. The city is filled with soldiers, troopers, and dragoons, to the number of 30,000. These are quartered upon private houses as well as public, and more expected daily. Most protestants within forty miles of Dublin are pillaged, robbed, and disarmed; the trees and plantations cut down, and themselves exposed to the mercy of tories, robbers, and servants, who are now enlisted in the army. We believe they are so every where else, but cannot have an account, because all letters are opened, examined, and stopt, that bring any intelligence (by the government) that does not please the papists; only by chance we hear from some places, and find they are used like those nearer.

There is no trade, business, or money stirring in Dublin, but every body exposed to the mercy and insolence of soldiers: and when complaint is made to the government, there is no redress or help; all the forces raised have no money, nor a possibility of being paid, and therefore must be left to do as they do all at present, to plunder and pillage whom they please; when they have done in the country, and destroyed all, as they have very near done already, they will then fall a-plundering the city, which we daily fear and expect. By order of the lord deputy, the county of Meath and West-

Meath are disarmed, and their horses taken from them: They are doing the same in the county of Dublin.

They have marked all the stables in Dublin, and can take all their horses in an hour; and it is hourly expected, that they should disarm every protestant, which they will certainly do when they are a little stronger.

They are daily baking biscuit in the castle for the march of an army; they have provided, as it is said, field-pieces: As soon as they have disarmed Dublin, it is like they will march into the north to subdue the protestants there. They in probability intend to surprise them, and in order thereunto take up all horses, without regard to whom they belong; nay, they threaten not to leave so much as a hackney; by which means they may be able to set 10,000 men on horseback, and march as far as Armagh or Newry in two or three days. They stop all intercourses with the north both by sea and land; and hope to come on them unawares. It is therefore necessary for the protestants in the north to be ready at a day's warning to receive them; to guard well all the passes of the mountains, and fortify them as well as they can; to make ready provision of meal and ammunition for the field; and if no ammunition be come to them, to send ships immediately and money to bring it, otherwise they may be upon them.

The popish army will have the whole country from Armagh to Dublin to supply them; and they can have ammunition and provision come to them when they please, and will not stay for them, only so much as may be for present use.

They are bringing gentlemen into plots, and trying them upon popish oaths, by popish judges and juries; so they have served Captain Philips of Mullingar, and Mr Bowen the collector, who are to be tried next week at Mullingar, and will probably be found guilty and executed. This will only be a leading example to try and condemn other gentlemen.

Every body able to remove is going from hence; there is nobody to head the protestants if there should be occasion. There are warrants against most of the considerable men. People are so intermixed, and so near the government, that they dare not so much as meet, much less discourse any thing appertaining to the common safety. If, therefore, the protestants have no help from abroad, their ruin is unavoidable.

Feb. 22, 1688.

Sir,

All the streets in Dublin are beset with sixteen thousand men, all their houses are searched by dragoons, and all their horses taken; the lord mayor and aldermen went this day through the city, commanding all protestants, by four of the clock, to bring in their arms to their parish church; and if they left so much as a bayonet, not brought in, if upon search any were found, that house should be exposed to the mercy of the soldiers.

Dated Feb. the 25th, 1688.

The protestants of Ulster taking notice of these proceedings, and truly judging, that their destruction was approaching, and that they could only expect Ulysses's fate, to be last devoured, they began to rouse themselves into some preparations to oppose a sudden surprise, and with stout hearts (but weak hands) to assemble, and stand upon their guard; and in the eastern counties of Down and Antrim, to form an association to raise troops and companies to secure the frontiers, and to prevent the incursions of the enemy. But as their preparations were hasty, and no way competent to their necessity, so their retreat was as precipitate, and dissonant from their resolutions. The deputy having got together a vast army, the protestants in Dublin and the adjacent counties being disarmed and dismounted; those in Munster and Conaght plundered

and pillaged of all their goods, horses, sheep, and cattle; he sent down a body of fifteen thousand men into Ulster under the command of Richard Hamilton, whom he constituted lieutenant-general of the army; and (out of a design, partly to terrify, and partly to delude the desponding protestants, who hitherto had kept up their spirits in a daily expectation of relief from England) he made use of a presbyterian minister, who had a great influence upon those of his persuasion (whose number in the north was very considerable) and obliged him to write this following letter to the Right Honourable the Lord Viscount Massareen, a strenuous assertor of the protestant interest, and by it the greatest sufferer in that province; copies whereof were immediately dispersed through the several counties.

Loghbricklan, March 9, 1688.

My Lord,

On the 6th instant I was introduced by my Lord Granard into my lord deputy's presence in the castle of Dublin; I have his pass to come and go through and back from Ulster; and though I have not his excellency's direct commission, yet I will assure you I am at least permitted by the lord deputy to acquaint the chief, and others of those of the Ulster association, with his discourse to me, which was to the effect following, to wit,

First, That his excellency doth not delight in the blood and devastation of the said province: But, however, highly resents their taking and continuing in arms, the affronts done by them to his majesty's government thereby, and by some indignities done to the late proclamation of clemency issued and dated——

Secondly, Notwithstanding whereof, is willing to receive the said province into protection, provided they immediately deliver up to his army, for his majesty's use, their arms and serviceable horses, and provided they deliver up to his excellency these three persons, viz. ——— ——— ———, if they remain in the kingdom, and may be had.

Thirdly, And for further manifestation of his design to prevent blood, is willing to grant safe conduct even to the said three persons, or any other of their party, to and from his excellency, and to and from Lieutenant-general Hamilton, commander of part of his army, hereafter mentioned, if they intend any peaceable and reasonable treaty: But withall will not, upon the said account, or any other, stop the march of the said part of his army, no not for one hour; and if it shall appear in such treaty, that they took up arms merely for self-preservation, then he will pardon even the said three persons also: but it is hopeless that any such thing can be made appear, seeing that many of them have already accepted and received commissions from the Prince of Orange, and display his colours in the field, as his excellency is credibly informed.

Fourthly, If these terms be not immediately agreed to, he will with a part of his army fight them: which part he intends shall be at Newry on Monday the 11th of this instant; which will from thence march to Belfast, and from thence to Coleraine and Londonderry, as his excellency intends; and that the country Irish, not of the army, men, women, and boys, now all armed with half-pikes and bayonets, in the counties of Cavan, Monaghan, Tyrone, Londonderry, &c. will, upon the approach of the said part of the army, and resistance thereto made, immediately enter upon a massacre of the British in the said counties; which force and violence of the rabble his excellency saith he cannot restrain, and fears that it may be greater than in 1641. These are the heads of what I can offer to you from his excellency's own mouth; but I intend to be at Hillsborough to-night, and there to stay for this night; where, if you think fit, I shall fully discourse with you of all the particulars; whereof, I hope, you will give immediate notice to all chiefly concerned in your county and neighbourhood, for gaining of time. I have sent this express, that your lordship may give advertisement by ex-

press to all such as your lordship thinks convenient. I shall add no further till I have the honour to see your lordship.

Your lordship's obedient servant,

Received the same night at Antrim.

ALEXANDER OSBORNE.

This letter was received at Antrim the same night; and immediately the following answer was returned, by the Earl of Mount-Alexander, Lord Massareen, &c.

" We declare the utter abhorrence of the effusion of blood, and that we will use all proper means to avoid it, but cannot consent to lay down our arms, which we were forced to take up for our own defence; nor to part with our goods by any other than legal means; and that we are ready to appoint persons to treat on each head, as are consistent with the safety of our religion, lives, and liberty."

Now to convince all mankind, that this specious message sent by Mr Osborne, dated March 9th, 1688, (who came with all speed from Dublin) was only a sham and delusion plotted by the deputy to amuse the poor protestants, and cast a mist before their eyes, that they might not see their approaching destruction, behold the proclamation dated at Dublin, March 7, 1688, wherein he had decreed the ruin of Ulster, and the exemption of so many persons from mercy.

By the Lord Deputy and Council, March 22, 1688-9.

TYRCONNEL.

Whereas several persons in the province of Ulster, and the town of Sligo, in this his majesty's kingdom, have entered into several associations, containing no less offence than high treason; and thereupon formed themselves into several parties, dividing and marshalling themselves into several regiments, troops, and companies, marching well-armed up and down the country, to the great terror of the king's liege people, in manifest breach of the law, and of the peace of this realm: And having resolved within ourselves to prevent the effusion of blood, as long as it was possible, by using all peaceable means to reduce the said malefactors to their obedience, have of late issued a proclamation, setting forth the said disorders, requiring all the said parties to disperse, and repair to their several habitations and callings, assuring every of them his majesty's pardon and protection. And whereas we find the said offenders, instead of complying with our said proclamation, still to persist in their wickedness, by continuing in actual rebellion, breaking of prisons, and discharging of prisoners, secured by due course of law, for robberies, felonies, and other heinous crimes; by seizing upon his majesty's arms and ammunition, imprisoning several of his majesty's army, disarming and dismounting them, killing and murdering several of his majesty's subjects, pillaging and plundering the country, and daily committing several other acts of hostility; and finding no other way left to suppress the said rebellion, we the lord deputy have caused a party of his majesty's army, under the command of Lieutenant-general Richard Hamilton, to march into the province of Ulster, to reduce the rebels there by force of arms; the consequence whereof cannot but be very fatal to that country, and the inhabitants thereof, and will inevitably occasion the total ruin and destruction of that part of his majesty's kingdom: The consideration whereof hath given us great disquiet and trouble of mind; that a country, well planted and inhabited, should now, by the insolency and traitorous wickedness of its own inhabitants, be brought to ruin or desolation, which we are still willing to prevent, if any spark of grace be yet remaining in the hearts of those conspirators, hereby declaring, notwithstanding the many affronts by them put upon his majesty's government, notwithstanding the several acts of hostility by them hitherto

committed, that if they will now submit and become dutiful subjects, his majesty's mercy shall be extended to them, excepting the persons hereafter excepted; and in order thereto, we the lord deputy and council do strictly charge and command all such persons in arms in Ulster, or the town of Sligo, forthwith to lay down arms, and that the principal persons amongst them now in the north, do forthwith repair to Lieutenant-general Richard Hamilton, and deliver up to him their arms, and serviceable horses, and to give him hostages as an assurance of their future loyalty and obedience to his majesty, and that all their adherents do deliver up their arms and serviceable horses to such person or persons as he the said Lieutenant-general Richard Hamilton shall appoint to receive them. And we do also further charge and command all the principal persons of other commotions and insurrections in Sligo, to repair forthwith either to us the lord deputy, or to Colonel M'Daniel at the Boyle, and deliver up their arms and serviceable horses, and to give hostages as security for their future peaceable deportment, and their adherents to lay down their arms to be delivered up, together with their serviceable horses, to the said Col. M'Daniel. We the lord deputy hereby giving safe conduct to such of them as will submit according to this our proclamation. And we do hereby further declare, that such of the said persons as shall give obedience to these our commands, except the persons hereafter excepted, shall have his majesty's protection and pardon for all past offences relating to the said commotions and insurrections; but in case they shall be so unhappy as to persist in their wicked designs and treasonable practices, we the lord deputy do hereby command all his majesty's forces to fall upon them wherever they meet them, and to treat them as rebels and traitors to his majesty. Yet, to the end the innocent may not suffer for the crimes of the nocent, and that the committals of inhuman acts may be prevented, we do hereby strictly charge and command his majesty's army, now upon their march to the north, and all other his majesty's forces, that they, or either of them, do not presume to use any violence to women, children, aged or decrepid men, labourers, ploughmen, tillers of the ground, or to any other who in these commotions demean themselves inoffensively, without joining with the rebels, or aiding or assisting them in their traitorous actings and behaviours. But in regard Hugh Earl Mount Alexander, John Lord Viscount Massareene, Robert Lord Baron of Kingston, Clotworthy Sherington, Esq. son to the Lord Viscount Massareene, Sir Robert Colvil, Sir Arthur Rowden, Sir John Magill, John Hawkins, Robert Sanderson, and Francis Hamilton, son to Sir Charles Hamilton, have been the principal actors in the said rebellion, and the persons who advised and fomented the same, and inveigled others to be involved therein: We think fit to except them out of this our proclamation, as persons not deserving his majesty's mercy or favour.

Given at the Council-Chamber of Dublin, March 7th, 1688.

A. Fytton, C. Granard, Limerick, Bellew, Will. Talbot, Tho. Newcomen, Rich. Hamilton, Fran. Plowden.

The deputy (who till now had never kept faith, truce, or promise) was strict and punctual to his word; for he sent down his army at the time, and to the place appointed, meeting with no resistance (the protestants being unprovided of arms and ammunition, and not able so suddenly to imbody themselves, or stem the torrent that was ready to overwhelm them) but what was made by Sir Arthur Rowden, who, at the head of 200 horse, gallantly opposed them; till, finding it impossible to dispute the passage of so great an army by so inconsiderable a force, he made a hasty but honourable retreat, with the loss of a very few men: and being met by some companies of foot, who were marching on (but too late and too slowly) to second him, they also retreated, but in some disorder; which being observed by the inhabitants of Lisburn,

they began immediately to fly toward Antrim, the people of which place being struck with amazement at so unexpected an adventure, betook themselves to flight also, and so rolling on from one town to another, the country was universally seized with a panic fear and consternation, hurrying their wives and children toward the sea-coast, leaving their goods in their houses, their stock in the fields, and taking no care, but to preserve their lives.[1] In this confusion and fright the poor souls fled to Londonderry, and would have gone further, if the sea had not stopt them. To take upon me to describe the horror of this revolution, the most deplorable state of the people, the misery, poverty, and distress of many thousand good families, and utter desolation of a most fruitful and well-peopled country, would engage me in a task which no pen can sufficiently express, nor no art render credible or intelligible. Let it suffice, that I tell you in a word, there is not this day a protestant in the kingdom of Ireland that has a gun to defend him, a horse to carry him, a house to shelter him, or stock to sustain him, except such as have been deluded, or (missing of timely escape) necessitated to accept of protections (which will avail the unfortunate compliers no longer, than till the Irish become masters of the whole) or else such as are confined within the walls of Londonderry, who, by extraordinary courage, whetted by despair, have resisted a powerful army (grown insolent by an uninterrupted success) to the astonishment of the besiegers, and the shame of those that deserted them. And lest any protestant should continue master of his own house, or evade an open compliance with the papists, they found a device to reduce them to the misfortune of this dilemma, either to surrender all they had to the merciless invaders, or be prosecuted as rebels for making resistance (which unchristian course they had before practised through the province of Munster) to which purpose they sent summonitory letters to the proprietors, in one line threatning, and in another wheedling, and so puzzling them with a fatal irresolution, till either by open assault, or by the close mine of a protection, they became masters of their wishes: I will give you only one for instance, sent by Colonel Gordon O'Neil, son to that arch-rebel Sir Phelim O'Neil.

"By virtue of an order granted to me by Richard Hamilton, Esq. lieutenant-general of his majesty's forces in the province of Ulster, to grant protections to all such as will submit themselves and lay down their arms, and peaceably live in their own dwellings.

"These are therefore, in his majesty's name, to require all persons, so inclined, to come in to me, and they shall be protected in body and goods.

"I do hereby summon the garrisons of Dauson's-Bridge and Moghrefelt to lay down their arms, or then to be proceeded against as rebels to his majesty, and to be prosecuted accordingly.

"Given under my hand at Duneen, this 21st of March, 1688.

GORDON O'NEIL."

I had almost forgot to take notice to you how craftily and treacherously the Lord Tyrconnel proceeded during these transactions. For, pretending to stand in dread of an invasion from England, (though by the sequel it is more than probable he had better intelligence from thence) he over-awed and constrained some considerable persons to abuse the ministers of state with a false representation; others he plainly threatened, that if they did not write to their friends in England, to dissuade them from sending over any forces, he would expose the protestants, without mercy or distinction, to the fury of the soldiers and the mercy of the rabble. And as for the ingenious conceit of

[1] This complete defeat of the protestants was called the rout of Dromore. The Irish were commanded by General Hamilton, who had submitted to King William when in England, and had been sent by him to use his influence with Tyrconnel to the same purpose, but had changed sides, and was now fighting for King James with the rank of Lieutenant-general of Ulster.

the protections, it has proved a mere cheat, and a trap to ensnare credulous people; I will give you one for a precedent.

"I, Richard Hamilton, lieutenant-general of his majesty's forces in Ulster, do hereby receive into his majesty's protection, the body and goods of James Hunter, of Bullymenagh, in the county of Antrim, yeoman; and do promise and oblige myself, that none of the army shall molest or hurt him, or take any thing from him.

"Given under my hand, at the camp, March the twenty-seventh, 1689.

RICHARD HAMILTON."

The poor protected man being thus noosed, returns to his house and follows his labour; but anon down comes the rabble, like an inundation of Goths and Vandals, sweep all before them, and leave nothing behind them but a naked, starved family: The wretched man makes his address to his protector, and receives only this cold comfort, 'I did promise to protect you from the army, that none of them should offer you any violence; but I have no power to restrain the rabble.'

Let us now reflect upon what has been said, and briefly recapitulate the pressing exigencies, the imminent extremities, and unavoidable dangers to which the poor protestants were subjected; and then I will appeal to any man of sense, that is not a bigotted papist, whether they had not just and undeniable reasons to seek their escape from the impending persecutions, and to take sanctuary in England, Scotland, and the Isle of Man.

When the sword was taken from the Earl of Clarendon, because he favoured the protestants, and put into the hands of Tyrconnel, because he was a furious patron of the papists, was it not high time for considerate men to foresee the dismal consequences, and to avoid them by a leisurely recess? When the officers of the army were turned out and the soldiers disbanded, merely because they were protestants; when the majority of the privy council, the judges, justices of the peace, sheriffs, and all other civil officers, were avowed and professed papists; when subtle jesuits, mercenary priests, and begging friars swarmed through the land, and crept into all houses and families, and the idolatrous mass allowed to be set up in every town; when the corporations were superseded, and none admitted to magistracy or freedom, but the scum of the vulgar and the spawn of rebels; when the Act of Settlement began to be canvassed, and men's titles to estates and properties were prostituted to the prejudicate verdict of such jurors, packed by such sheriffs, and the partial sentence of such judges, who all concur in accounting it a meritorious service to weaken and destroy the hereticks; was it not a rash madness for any who had opportunity and ability to remove themselves, to continue under the licentious and arbitrary humours of such a government? But when men began to see how they were reduced to a necessity of suffering, whether any succours arrived to them from England, or whether they were delayed, they had no election to make, but to contrive and escape from their cruelty, or their revenge. When men were every where alarmed with a design of a general insurrection, and universal massacre, he that was so hardy as to overlook this without a concernment, must have an unusual portion of wit to conduct his courage; for my part, I am so far from wondering that so many affrighted persons should prefer an incommodious and insecure passage by sea, to so hazardous and terrible an abiding upon land, that I do admire the insensible stupidity of those who stayed behind. And now the deputy having added 40,000 new-raised men to the standing army, 50,000 of the rabble being furnished with skeens and half-pikes, animated and secretly sworn by the priests to extirpate all protestants, making it a national, as well as a religious quarrel (as appears by the motto in their standard set up in the castle of Dublin, "Now or never, Now and for ever,") the protestants in Munster and Connaught turned out of their houses, despoiled of their goods, and plundered of their castle; all arms and horses taken from those in Dublin and Leinster: A powerful and enraged army falling into the bowels of Ulster, ravaging

without check or controul; the naked, stript, and unarmed people flying before them to seek a shelter in Londonderry which could not contain the hundredth part of those that retreated to it; there was nothing to be done (to escape a sudden destruction by the sword, or a lingering death by famine) but to fly over sea, and preserve life, which was all that was left them. As for the more unfortunate remnant of the poor protestants, who, being either gulled and intrapped by protections, and reserved for slaughter, or else denied a licence to transport themselves that they may indure the misery, and at last receive the wages of slaves and condemned persons (which assuredly will happen, whensoever the conquest of this kingdom shall be complete, and the government devolved on the French; or perhaps so soon as an army from England shall land there for its rescue) they are surrounded with such poignant circumstances of sadness and sorrow that my heart bleeds for them; and though I dare not trust to the compassion or prayers of those hard-hearted men who find fault with us for coming away, yet I leave it to their judgment to determine whether their condition be not more desperate and deplorable, who have staid behind.

May the good people of England see, and be convinced (by the dismal examples of Ireland) what would have been their portion, if popery had prevailed, and a popish king continued to reign over us. May they never be deceived by that impracticable paradox, That the English nation and the protestant religion can subsist, or be in safety, under the administration of Frenchmen and the dominion of a papist.

I have now wearied your patience, and eased my own thoughts. It shall be your fault, if I be not always,

Sir,

May 27, 1689. Your most humble Servant.

A Journal of the Proceedings of the pretended Parliament in Dublin from the 7th to the 20th of this instant May; a Breviate of the late King's Speech; and the Speaker's Repeal of the Act of Settlement, and taking away the King's Supremacies, with the Names of the Protestant Lords Spiritual and Temporal sitting in Parliament.

On Tuesday the 7th of May the parliament assembled according to the return of the writs, at the inns in Dublin, the late king being present with his crown and robes, attended by twenty-two peers, four of which were spiritual lords protestants, *viz.*

Dr Dobbin, Bishop of Meath,
Dr Wittenhal, Bishop of Cork,
Dr ———, Bishop of Limerick,
Dr ———, Bishop of Ossory.

And of the temporal lords there were only four protestants, *viz.*

Earl of Granard,
Lord Longford,
Lord Howth, and
Earl of Kingsale.

The late king made a speech, in which he assured them he would consent to the enacting of such laws as should relieve them which were prejudiced by the late Act of Settlement. Which done, the Commons proceeded to the election of their speaker, who, after half an hour's conference, chose Sir Richard Nagle, who in behalf of the Commons craved the four usual petitions, which granted, the house adjourned till the morrow.

Wednesday the 8th, The lords passed the bill of recognition of the late king's right. The ninth was Ascension-day.

Friday the 10th, The Commons passed the Recognition Bill; on the same day Sir Ulic Burke brought into the House of Commons a bill for the repealing the Acts of Settlement and Explanation; which the house received with an huzza, and then read a first and second time, and ordered it to be committed.

The same day some moved thereupon in the house, that nothing could be more advantageous to the king and country than to destroy the horrid and barbarous Act of Settlement, as they were pleased to call it; and whoever should alledge the contrary shall be deemed an enemy to both; it was moved by another member, that the Act of Settlement ought to be burnt by the common hangman.

Saturday the 11th, The late king gave his assent to the Bill of Recognition, and adjourned till Monday.

Monday the 13th, A bill with some limitations was read in the House of Lords, abridging the bill sent from the commons for repealing the Act of Settlement, and only giving the old proprietor a moiety.

Tuesday the 14th, A bill passed the House of Commons, impowering the king to dispose of all patent-offices in possession or reversion, after the 20th day of May instant; and another bill to bar all writs of error and appeals to England, asserting that no law of England can bind that kingdom; both which bills were sent up to the House of Lords.

Wednesday the 15th, A bill was read in the House of Commons for repealing Poyning's law, and also another bill for giving the king 15,000*l.* a month for one year, to be levied on the tenements, but to be allowed them in their rents by their landlords without regard to previous curtails.

Thursday the 16th, A bill was brought in by the House of Commons for taking away the king's supremacies in ecclesiastics, and abrogating all penal laws against papists: In the House of Commons there are only five protestant members, viz. Sir John Made, Joseph Coghlan, Sir Thomas Crosby, Arthur ———, Jeremy Donovan, Esq.

The same day it was moved in the House of Lords, that all absenters lands should go towards reprisals.

The king, since the session of parliament, has created the lord chancellor chief justice Nugent, lord general, Mr Carty, Sir Valentine Barone, Colonel Luttrell, Colonel Sarsefield, and about fourteen more, lords. The act for seizing most of the absenters estates is since passed, and is so strictly put in execution, that the shops of poor huckster-women, whose husbands are in England, are daily plundered, which makes Dublin ring with the cries of the poor.

A true Account of the present State of Ireland, giving a full Relation of the new Establishment made by the late King James, as it was presented to the Earl of Shrewsbury, his Majesty's Principal Secretary of State, and others of his Majesty's Privy Council: With an Account of what Sums of Money, Arms, and Number of Officers arrived there from France. Together with the State of Derry and Enniskilling, and several other Affairs relating to that Kingdom, particularly of the Proceedings of their Parliament there.

By a Person that with great Difficulty left Dublin, June the 8th, 1689.

Printed in the Year 1689.

During my stay at Dublin, (which with much difficulty and hazard I left on June the 8th) I made it a great part of my business to be well informed of the state of affairs in Ireland, and of the most remarkable matters that passed there, which I had the opportunity of doing, as well by my own observation, as by what I received from persons of credit that I frequently conversed with, that thereby I might be enabled to give such an account as might be serviceable to the government here, upon my arrival, to be acquainted with, which, in the following narrative, I have endeavoured to do with all possible sincerity and impartiality.

The revenue of Ireland is quite sunk, no money being raised but by the excise, that for this year and half past there has not been paid one penny of the civil list; and now the late king has been forced to make a new establishment, and gives only half pay, which he calls *subsistence*; they grumble at it, and are ready to mutiny: To the foot three-pence per day, and for the officers 'tis no matter, he makes them content: The dragoons have five-pence farthing, and the horse six-pence per day: He proposeth this, one half money, and the other forage. The horse grenadiers fifty in each troop; seven regiments of horse, 2750 men; seven regiments of dragoons, 3800 men; the royal regiment of foot, twenty-two companies, 1980 men.

Forty-two regiments of foot more, 33,852 men. The total is 42,432.

Of this army there are about 17,000 drawn northwards, against Londonderry and Enniskilling, which are of the best, both of horse and foot, and have been so harassed, that within these ten days past, they were not in any condition of service; there are 5000 more gone after these, towards Enniskilling, and more on their march; so that there are near 25,000 gone against Londonderry and Enniskilling.

Besides this, they designed two camps by Dublin, which camps were to consist of 14,000 men, the first grand camp was to be at Rathfarnam, betwixt that and Rathmines, on the south of Dublin, in the view of the harbour. The next camp was to be under the hill of Dunsink, near the Cabarah, north-west of Dublin, and in view of the bay also.

Colonel Sarsefield lies at Sligo with his own regiment, and some dragoons, and has received several rubs from the people of Enniskilling.

It is said there came 150,000*l.* with the late king from France to Ireland, and 300,000*l.* with the fleet that arrived at Bantry; but by as near a computation as possibly can be made, we cannot find that there came above 150,000*l.* in all, the first being 60,000*l.* and the last 90,000*l.* and about 900 French, English, Scots, and Irish officers came this last time with the fleet, all which receive the same allowance with the officers of the army, proportionable to their stations and qualities.

The French ambassador influences all affairs, both civil and military, and 'tis discoursed amongst themselves, what a prejudice he has against his present majesty, having formerly been ambassador in Holland; he often presses for severity to be used against the protestants. No violence whatever, that is acted by any of the French, dares be complained of, but is stifled immediately, and he that complains is frowned on. He has influenced the passing the bill for destroying the Act of Settlement, insomuch that he has said, that he would go again to France, if it were not done, to tell his master.

Monsieur Boysloe's,[1] the governor of Cork, letter to the French ambassador, was the occasion of the embargo at Dublin, on Saturday, May the 18th last past. The late king is wholly at their discretion, and Tyrconnel is mightily discomposed both in body and mind since the king came: For the French ambassador said, "If any one had served his master as he did, (about Londonderry) in taking away the Lord Mountjoy's regiment, he would have lost his head." The ambassador commands the treasury, and not one farthing is paid out without his leave, for he views the muster-rolls before he suffers any payments to be made, so that the design is plain French, and to bring this kingdom wholly under them, that thereby they may divert England from annoying France: But now they are become obnoxious to the people of Ireland, who see all that is for the French; so that great discontent is upon the spirits of the Irish, on the account of the French being put into employments; for they generally say and allow, that Ireland is given to the French king, in consideration of the charges he shall be at, in helping the late King James towards the regaining of the kingdoms of England and Scotland.

Monsieur Boysloe, at Cork, seizes the merchants goods, drinks their wines, and, in short, takes away from them whatever he has a-mind to, without making them any satisfaction; and says, it is a shame that any correspondence should be held with the rebels of England.

The Enniskilling people[2] have rummaged the country for near thirty miles round about them, and brought in all the cattle and forage they could find, and have disarmed several companies of the new-raised Irish; and 'tis talked of by the late king, and at the castle, that the garrison of Enniskilling were so resolute, that they would attempt the raising of the siege of Derry, the fear of which does somewhat alarm them; for about the latter end of May they came near to Kells, thirty miles from Dublin, and westward as far as Finnah, burning Luke Reily, high sheriff of the county of Cavan's house, with the houses of other considerable papists who were in arms against them, killing only three soldiers at a place called Drum, because they refused to quit their arms; and, as one Brady, who is a papist and an inhabitant there, declares, that they were the fairest enemy that ever came into a country, not injuring any person that lived peaceably, leaving a troop of horse in the town of Cavan, until all the army were marched away, to see that no injury might be done to the common people: He likewise says, they drove along with them about four or five thousand head of cattle, that had lately been taken from the English.

As for the state of Enniskilling, it is said that they are in a very good condition for provision and all other necessaries as yet, and that there are there, and at Ballyshannon, eight hundred able horse, besides foot, who are brave resolute men; most of them being gentlemen out of Munster and Connaught, that fled thither, who are resolved to lose their lives, and sacrifice all, rather than yield.

On June the 1st there marched from Dublin Sir Michael Creagh, the present lord mayor, with his regiment, Sir John Fitzgerald, from Rathcoole and Lucan, with his

[1] Boistelot, a French officer of reputation, who afterwards defended Cork against King William.

[2] The Enniskilling volunteers were in arms for the protestant cause, and behaved with the greatest bravery.

regiment, with several others from other parts, towards Trim, twenty miles from Dublin, the place appointed for the general rendezvous of the army that are sent against Enniskilling; Colonel Sarsefield from Sligoe is to join them, and so to march to Enniskilling to attack it, with a resolution to bear it down: All Sir Michael Creagh's regiment raised in Dublin, Sir John Fitzgerald's from Munster, and most that are gone down there, are all raw fellows, not knowing how to fire a gun.

There are gone from Dublin General La Rose, General La Roy, Count d'Estrades, and several other of the general officers of France, towards Enniskilling, with four field-pieces. They have sent before-hand to buy up all the corn in East and West Meath, to be brought to Kells, twenty-seven miles from Dublin, and forty from Enniskilling, which is the place appointed for their store, for beyond that there is no manner of provision to be had; so that in all probability they will meet with the same penury and want that they have had these two months past before Londonderry.[1]

Now for the state of Londonderry; it is said this morning at the castle, they have surrounded it within half cannon-shot, and taken the Wind-mill-hill, which the town quitted, and had thrown up their trenches, and drawn up all their army on Friday last, and so modelled and divided them into two bodies to compass the town, placing them in their several posts. Monsieur Pontee was to have bombed it before, but he found, when he came to examine, that the fusees of the bombs did not fit, some being too little, others too big, which he having new-moulded and worked up, did, as he himself said, intend to begin to bomb on Sunday the 2d instant. They hear that there are ships in the river, which they believe will endeavour to succour Londonderry; but by the help of Culmore Fort, with other batteries they have raised, together with the chain and bomb they have fixed across the river, they hope to prevent them.

There is an account sent up from the camp of the names and behaviour of the several officers there, with which they make themselves sport at the castle, particularly the Lord Galmoy running himself into a ditch of briars, Lord Kingsland getting into a bush of furze, together with the valour of Sir Gregory Birne, and Sir Luke Dowdall, &c.

A dragoon that was shot into the shoulder, and came up to his friends near Dublin, to get cure, said, that abundance were lost for want of care being taken of them; that he himself had ended his days, if he had staid; that he left 400 lying of their wounds in the church of Culmore; that they had lost near 7 or 8000 by the sword and sickness, since they sate down before Derry.

The Duke of Berwick, James Fitz-James, and Lord George Howard, are said to be in Brook-hall, at Sir Matthew Bridge's house near Kilmore, a-curing of their wounds.

They likewise give out, they are in great want of provision in the town, and are so crowded, that they are very noisome and full of vermin, for that several who have been taken and killed, are found to be so. But in truth, as to the state of their own army, they have lost as many for want of conveniences as have been killed: For the bloody-flux, small-pox, fevers, and agues being among them, they die extremely fast in the Irish camp; the generality of their sustenance being nothing else but oatmeal and water, with some raw lean beef, insomuch that the spirits of the men are mighty low, and very weak.

There are gone down to them abundance of French officers, that are to be preferred as commands fall, with great resolution what they will do when they come there.

They did not carry any of their great guns or bombs over the river, but they lie on the other side, and so play over the water at Londonderry. Since their sending the

[1] James was so enraged at the delay, as to say, that had his army been English instead of Irish, they would have brought him the town stone by stone, in half the time his forces had been before it.

army towards Enniskilling, the people of East and West Meath have raised the price of corn extremely.

The Kerry forces are drawn to the Shannon to fortify all places on it, as Lymerick, Athlone, &c. All the best of the forces are clearly drawn out of Munster, except the major-general's regiment, which is now commanded by one Monsieur Boysloe, a most tyrannical Frenchman, who with his regiment is now at Cork, where he exercises an absolute authority, that no manner of complaint against him will be heard, though he thrust out one of the protestant sheriff of Cork's eyes, and swore he would make no more of blowing up all the protestants in their churches, than of a child in a cradle. He threatens to hang any that shall be taken going away; and if four protestants be together, he looks on it as a conspiracy, and sends them to gaol: They have likewise employed spies about Dublin, to see if any protestants meet or talk together; and are mightily incensed at the embargo in England, because they cannot have a free correspondence with their friends there.

June the 5th, the late king declared he expected in a week's time, if the wind served, a great fleet from France, and a numerous army of land-men; that the fleet after landing their men, would repair to the Downs, to find out and fall on the English fleet. Some of his council advise him to Scotland, others to Chester, with his French and Irish forces, as soon as Derry is taken.

They have lately imprisoned several persons in Dublin, on a pretence for plotting and corresponding with the rebels in the north and England, &c. and in searching for treasonable papers and arms, they took away whatever money they could find in the houses of the several persons: They likewise threaten another search for arms very suddenly, when it is not questioned but they will take all money and plate away, for they are erecting a mint for the coining of money. One thing more is to be observed, that the popish clergy have ordered all their people not to pay one farthing to any protestant, till they are compelled by law; the design being visible that they would utterly extirpate the English there.

The wind no sooner blows easterly, but they are in great dread and fear; yet they tell us there is confusion in England, and that there will no succours come from thence; that they will land an army in England suddenly; and that England fears an invasion from Ireland, more than it doth from them: Their usual saying is, "You whiggish dogs, we will make you know that the Prince of Orange is not come yet, and we will do your business before he comes, for when we come back from Londonderry we will make an end of you all." And the Irish tenants and neighbours of the English, that formerly lived in amity with, and chiefly depended on them, do continually send the soldiers to the protestants houses, telling them that the whigs live there, where they go and eat up their provisions, taking away their horses from the plough, and whatever else they have mind to, giving them horrid abuses besides; so that many families who formerly lived very plentifully have not now left them bread to eat.

The popish clergy appear in multitudes, and are going forward with all their chapels and buildings, and looking out for abbeys and nunneries, and do exasperate the king mightily against the protestants. The Lord Melfort is also very violent against them; and the lord chancellor (though an Englishman) worse than he.

On Whitsun Monday the town of Drogheda was alarmed by two officers, who rid through it towards Dublin, telling them that the Scots were within six miles, and had taken the great guns, carriages, ammunition, and provisions that were going to Derry, and had killed the convoy: Whereupon they immediately planted their guns, and shut up the gates, having only two companies of the new-raised men, and a few horse of the Lord Gilmoy, in the town. An express was sent immediately to Duleek, where the commissioners of enquiry into the estates of the absenters were met (who, being

busied in swearing and examining the tenants to the Earl of Drogheda and others as to what rents they paid, and what arrears of rent were due) requiring them to repair to the town, and bring with them what strength they could to fortify the town: Some being sent out to know the truth of the matter, returning, told them it was only a false alarm, though it was generally said and believed, that several cart-loads of their ammunition, provision, and arms were intercepted and taken by the people of Ballyshannon and Enniskilling.

There has been a motion in the House of Commons for the naturalizing all Frenchmen, insomuch that some said in the house, that they ought to have a day of thanksgiving for the coming of the Prince of Orange into England.

They are preparing for another court of claims, and reducing the fees of all offices, throwing all forfeitures into the stock of reprisals; into which stock the late king has thrown his private estate that he had in Ireland.

The old proprietors are taking possession daily, before the act that makes void the settlement of Ireland passeth, some of them paying the quit-rent to get into possession. Eight protestant peers, four being spiritual, and four temporal, entered their protest at the bill passing the Lords House, and Mr Justice Daly opposed it to that degree, that in his passion he said many things that were highly resented, the substance whereof was, "That instead of being a parliament, as we pretend, we are more like Massanelo's confused rabble, every man making a noise for an estate, and talking nonsense, when our lives are in danger; we expect a sudden invasion from England, and a bloody war likely to ensue, as persons altogether unmindful of the ruin that hangs over our heads; and without taking any care to prevent it, we are dividing the bear's skin before she is taken. All the honour we do his majesty is, by reflecting on his royal father and brother, as wicked and unjust princes, charging them with enacting those laws that were contrary to the laws of God and man." Which the house summed up in six articles against him. They would have been contented with a submission, but he refused any, saying, he would go to Jamaica rather; yet his friends prevailed on him at this juncture to ask the pardon of the house; and yesterday he was to have come into the House of Commons; and accordingly the house being sate, the usher of the black rod went in and acquainted the speaker that Mr Justice Daly was at the door; upon which it was put to the question, in the house, whether his asking of pardon should be a sufficient satisfaction for them to pass by his miscarriages; and it being carried in the affirmative, Mr Nugent of Carlingstown in West-meath, a member of the house, was ordered to go and acquaint him, that the house was resolved to accept of his submission, that so there might be admittance for his coming to receive pardon of the house. Mr Nugent returning into the house, told the speaker that Mr Justice Daly was very thankful, and ready to come in to make his submission, and at the same time said, "Mr Speaker, I have other great news to tell you, *viz.* Londonderry is taken." Upon which there was three great shouts set up in the house, and throwing up their hats, cried out, "No submission of Mr Justice Daly; we pardon him, we pardon him;" being transported with joy, suffered him not to come in, but pardoned him without any submission at all. But afterwards some of the members (none of Mr Daly's friends) finding it false, thought it was some trick put on them, and threatened Mr Nugent to bring him on his knees before the house.

They are now passing an act, that all leases above one-and-twenty years, of any corporation in Ireland, shall be void: and it is doubted whether Dublin will be excepted: They are likewise laying fifteen shillings a ton duty upon sea coals, and taking away the poundage act, which in corporations is the clergy's support. The Ulster act of tithes, and the act for impropriations and augmentation lands, that so by taking from the clergy their maintenance, the churches may fall of themselves. An act attainting

all persons by name, and another granting fifteen thousand pounds per month for supplies to King James.

There are five new peers created, viz.
Justin Maccarty, Lord Viscount Mountcashel.
Sir Valentine Brown, Lord Viscount Kenmare.
Thomas Nugent, C. J. Lord Baron of Riverstown.
John Bourk, Lord Baron Bouffin.
Sir Alexander Fitton, Lord Baron Gawsworth.

A Catalogue of all the Nobility of Ireland, such being marked who now sit in the Irish Parliament.

Dr Michael Boyle, Lord Archbishop of Armagh, primate of all Ireland.
† Alexander Fitton, Baron Gawsworth, chancellor.
Dr Francis Marsh, Lord Archbishop of Dublin.
Dr John Veasy, Lord Archbishop of Tuam.
Archbishoprick of Cashell void.
Richard Boyle, Earl of Cork, lord treasurer.

Dukes.

James Butler, Duke of Ormond.
† Richard Talbot, Duke of Tyrconnel.

Earls.

John Fitz-Gerald, Earl of Kildare.
Henry O'Brian, Earl of Thomond.
† Richard Bourk, Earl of Clanrickard.
James Touchet, Earl of Castlehaven.
† Richard Barry, Earl of Barrymore.
† Alexander Mac Donnel, Earl of Antrim.
† Richard Nugent, Earl of Westmeath.
Cary Dillon, Earl of Roscommon.
Thomas Ridgway, Earl of Londonderry.
William Fielding, Earl of Desmond.
Edward Brabazon, Earl of Meath.
John Vaughan, Earl of Carbery.
Luke Plunket, Earl of Fingall.
Arthur Chichester, Earl of Donegall.
Richard Lambert, Earl of Cavan.
William O'Bryan, Earl of Inchequin.
† Donogh Mac Carty, Earl of Clancarty.
Lionel Boyle, Earl of Orrery.
Charles Coot, Earl of Mounteath.
Henry Moore, Earl of Drogheda.
Charles Talbot, Earl of Waterford, &c.
Hugh Mountgomery, Earl of Mount Alexander.
Roger Palmer, Earl of Castlemain.
Nicholas Taaf, Earl of Carlingford.
† Richard Poor, Earl of Tyrone.
Richard Jones, Earl of Rannellagh.
† Francis Aungier, Earl of Longford.
† Arthur Forbes, Earl of Granard,
† William Dungan, Earl of Lymerick.

Viscounts.

† Jenico Preston, Viscount Gormanstown.
† David Roche, Viscount Fermoy.
† Richard Butler, Viscount Mountgarret.
George Villers, Viscount Grandison.
James Anslow, Viscount Valentia.
† Theobald Dillon, Viscount Castello and Gallen.
Nicholas Nettervile, Viscount Dorath, a prisoner in Derry.
Arthur Loftus, Viscount Ely.
Thomas Beaumont, Viscount Sword.
† Arthur Magennis, Viscount Iveagh.
Thomas Needham, Viscount Kilmurry.
† Dominick Sarsefield, Viscount Kilmallock.
Theobald Bourk, Viscount Mayo.
Patrick Chaworth, Viscount Armagh.
George Sanderson, Viscount Castletown.
John Scudamore, Viscount Sligoe.
Richard Lumley, Viscount Waterford.
Philip Smith, Viscount Strangford.
Philip Wenman, Viscount Tuam.
Charagh Mullineux, Viscount Maryborough.
William Fairfax, Viscount Emely.
Pierce Butler, Viscount Ikerin.
Thomas Fitz-Williams, Viscount Mirrion.
† Maximilian O'Dempsey, Viscount Clanmalere.
Brian Cockin, Viscount Cullen.
Tracy, Viscount Rathcoole
Francis Smith, Viscount Carrington.

Richard Bulkely, Viscount Cashell.
William Brounker, Viscount Lyons.
Richard Ogle, Viscount Catherlagh.
† Pierce Butler, Viscount Gilmoy.
Nicholas Barnwel, Viscount Kingsland.
Francis Boyle, Viscount Shannon.
John Skevington, Viscount Mazareene.
Hugh Cholmondy, Viscount Kells.
† Daniel O'Bryan, Viscount Clare.
Lewis Trevor, Viscount Dungannon.
Maurice Berkely, Viscount Fitzharding of Beerhaven.
William Canfield, Viscount Charlemont.
Foliot Wingfield, Viscount Powerscourt.
Murrough Boyle, Viscount Blessington.
James Lane, Viscount Lanesburrow.
John Deny, Viscount Down.
† Richard Parsons, Viscount Ross.
William Stuart, Viscount Mountjoy.
Adam Loftus, Viscount Lisburn.
† Ullick Bourk, Viscount Galloway.
† Justin Mac Carty, Viscount Mountcashel.
† Valentine Brown, Viscount Kenmere.

Bishops.

† Dr Anthony Dobbing, Lord Bishop of Meath.
Dr William Morton, Lord Bishop of Kildare.
Dr Hugh Gore, Lord Bishop of Waterford and Lismore.
——— Clonfort, void.
——— Clogher, void.
† Dr Thomas Ottaway, Lord Bishop of Ossery.
Dr Ezekiel Hopkins, Lord Bishop of Derry.
Dr Thomas Hacket, Lord Bishop of Down and Connor.
† Dr John Roon, Lord Bishop of Killalow.
† Dr Edward Wettenhall, Lord Bishop of Cork and Ross.
† Dr Symon Digby, Lord Bishop of Limerick and Ardfert.
Dr Richard Tennison, Lord Bishop of Killala and Arconrah.
Dr William Smith, Lord Bishop of Rapho.
Dr William Sheridan, Lord Bishop of Kilmore and Ardagh.
Dr Narcissus Marsh, Lord Bishop of Ferns and Leighlin.
Dr Edward Jones, Lord Bishop of Cloyn.
Dr Capel Wiseman, Lord Bishop of Drummore.
——— Elphin, void.

Barons.

† Almericus Courcy, Baron Kingsale.
William Fitz-Morris, Baron Kerry.
† Christopher Flemming, Baron Slane.
† Thomas St Lawrence, Baron Hoath.
† Robert Barnwell, Baron Trembleston.
† Chistopher Plunket, Baron Dunsany.
† Pierce Butler, Baron Dunboyne.
† Brian Fitz-Patrick, Baron Upper Ossery.
Matth. Plunket, Baron Lowth.
† William Bourk, Baron Castleconnel.
† Pierce Butler, Baron Cahir.
† Theobald Bourk, Baron Brittas.
Stuart, Baron Castle-stuart.
Thomas Folliot, Baron Ballishannon.
William Maynard, Baron Wicklow.
Richard George, Baron Dundalk.
Robert Digby, Baron Geashill.
William Fitz-Williams, B. Lifford.
Henry Blaney, Baron Monaghan.
† Dermot Malone, Baron Glanmahur.
Edward Herbert, Baron Castle-Island.
John Calvert, Baron Baltimore.
William Brereton, Baron Leighlin.
Henry Hare, Baron Coleraine.
Benedict Sheridan, Baron Leitrim.
† Connor MacGuire, Baron Enniskilling.
† Claud Hamilton, Baron Straband.
Francis Hauley, Baron Dunmore.
William Allington, Baron Killard.
Robert King, Baron Kingston.
Richard Coot, Baron Killooney.
Richard Barry, Baron Santry.
Altham Ansloe, Baron Altham.
† John Belew, Baron Duleek.
Charles Bertie, Baron Shelborn.
† Thomas Nugent, Baron Riverstown.
† John Bourk, Baron Boephin.
† Alexander Fitton, Baron Gawsworth.

The House of Commons consists of three hundred persons and upwards, only two protestants, Sir John Mead and Mr Coghlan; two others that have passed in former ays, but now are looked upon to be of the popish interest.

The Substance of the new Irish Bill for making void the English Settlement of Ireland.

Imprimis. Act of Settlement, Act of Explanation and resolution of doubts, void.

1. Every one to be restored to his possession, as in 1641.
2. Attainders, outlawries, treasons, &c. made void, released, and discharged.
3. All records taken off the file, and cancelled before one or more of the commissioners.
4. Any officer not performing this, to forfeit five hundred pound.
5. Three or more commissioners for claims.
6. All injunctions to stay decrees of the said court, void.
7. The sheriffs refusing to deliver possession, to be punished.
8. Where deeds are wanting, the sentence of the commissioners not definitive.
9. All releases, conveyances, &c. to be good.
10. The old estate of transplanters to be charged with the interest of purchase-money, as they sold their interest in Connaught.
11. Reprizals for all honest purchasers, for good and valuable considerations, since the Act of Settlement.
12. Transplanted purchasers to be reprized of equal value and purchase out of the forfeited lands.
13. A rebellion is now begun, and several are gone to England, Scotland, Wales, and the Isle of Man, by which they forfeited from the 1st of August 1688. All entails, remainders, &c. to be cut off.
14. Commissioners to inspect into the forfeitures, in order to give reprizals by commissions under the great seal, if thought necessary.
15. In claim, to insert the quantity, quality, and true yearly value, county, and reserved rent.
16. To be reprized, such as really purchased before the first of November last, but not affinity.
17. Upon certificate of the commissioners, the lord chancellor to pass letters patent.
18. Before reprisal, to make full proof of the original money paid for the transplanted purchase. And the ancient estate to which he is to be restored, to be charged with, &c.
19. If the transplanted discover, &c. to discover the purchase, or to forfeit double the money; one moiety to the discoverer, and another to the king.
20. Provided the ancient, &c. invested in the king.
21. Newry restored to Dudly Bagnal, Esq. it being the estate of Nicholas Bagnal.
22. The quit and crown rent reserved, and forfeiting lands to be charged to lands to be restored.
23. All original debts in 1641, to be and stand charged; the lands to be restored.
24. All reprizals to be liable to the same conditions and debts as their former estates.
25. All incumbrances or judgments due on forfeiting persons, and entered before the 22d of May, 1689; and where he forfeited to be reprized.
26. Transplanters, proprietors, their reprizals or ancient estate, to be liable to the same incumbrances and conditions as the former estate.
27. Lessees to continue, in case it be not the mansion-house or demesne-lands, not exceeding one and twenty years, or three lives.
28. Whose husbands died out of possession, widows to be dowable.
29. The Lord Clanrickard, &c. that all deeds, &c. be good, saving to all old mortgages.

A Letter from Colonel Walker, giving a full Account of the Treachery of the late Governor of Londonderry.

Lundy, the governor of Londonderry for King William, was either a traitor or coward, or both. When King James approached on the one hand at the head of the besieging army, and two regiments had on the other arrived by sea from Liverpool for the assistance of the garrison, he had neither address enough to betray the plan to King James, nor courage sufficient to serve King William. But after having dismissed the reinforcements, under pretence that the place was not tenable, he escaped himself with difficulty from the fury of the people. It is well known that Colonel Walker, who here denounces Lundy's treachery, was appointed to succeed him in the hour of danger. Walker was slain at the battle of the Boyne, on which King William is said only to have remarked, that he had no business there. Lundy, with Richards and Cunningham, escaped with cashierment.

When the Lord Montjoy left the garrison of Londonderry, he gave private orders to the colonel he left commander in chief, that he should punctually observe whatsoever directions he should receive from him from France. Now such were the circumstances of that unfortunate lord, that, being suspected by the late King James, and looked upon as the betrayer of that kingdom,[1] he had no other way of insinuating into his favour, and regaining his lost reputation with him, but by promising to make Colonel Lundy an instrument to break and ruin the protestants, and render them incapable of opposing any army that should march against them.

The deluded protestants in Derry, and all over the north, were extremely overjoyed that they had so good a soldier for their head; one whom they really believed to be of their own religion, and who seemed to be so zealously and warmly affected to their interest; and therefore they entirely relied and depended upon his courage and fidelity, and submitted themselves to his conduct and management, never entertaining the least suspicion of him till it was too late; though it was whispered in every corner of the garrison, that he had said, he would heartily fight against Tyrconnel, but not against King James. At length a formidable and regular army of the Irish marched down towards the north, our forces then having not the least intimation of their approach, till they came almost to the towns where our men were garrisoned, which they were forced to quit in great disorder and confusion.

The colonel, in the mean time, sat quietly at home, neither made any provision for the frontier garrisons, nor gave any orders to fortify and secure them, and oppose the enemy, before they were blooded and animated with success. Soon after (without any opposition) they over-run the two great counties of Down and Antrim: And then the colonel sent letter after letter to the Lord Kingston at Sligoe,[2] where there was good

[1] He was committed to the Bastile on his arrival at Paris.

[2] Lord Kingston and Sir Arthur Roydon had gathered together an army of 1500 foot and about 1200 horse. So that, had Lundy marched out with the Londonderry forces, about 6000 men, they might have struck an important blow ere King James's army was fully organized.

store of provisions and forage, to come and join his horse at last with the Lagan forces. The lord sent him word, that if the horse came away, the foot would not be persuaded to continue there; and that he feared there was not such plenty of provision for their horse and men in the Lagan as they had at Sligoe. Upon this answer, the colonel sends an express to my lord, that both his horse and foot should quit Sligoe, and march immediately to the assistance of Derry.

My lord, wearied with these importunities, and not in the least mistrusting the integrity of the colonel, advances with his forces, and was followed by all the inhabitants of the town. But no sooner were they come to Ballishannon, twenty miles from Sligoe, but they received a message from the colonel, that there was not forage for the horse in the Lagan. The enemy, by this time, had possessed themselves of Sligoe; so that they were forced to stay at Ballishannon, where both their horse and men were exposed to the greatest necessities, and were almost destroyed for want of provisions.

All this while the towns of Enniskilling and Ballishannon had no ammunition sent them from him, though he had, at the same time, above 500 barrels of powder in the Pullir store-house at Derry; neither could he be persuaded by any arguments to get forage into Derry, though the neighbouring country round about him had great quantities of hay and oats, and made a voluntary offer of them for the service of the garrison. Besides, as if he had all along designed the ruin of that place, and consequently of the protestant interest in Ireland, he still gave passes to every man that asked them: He endeavoured to possess them that were the most bold and resolute, with strange apprehensions of their danger; and where this succeeded not, out of the abundance of his affection, he courted and invited others to accept of passes.

Afterwards, when the enemy made their approaches nearer Derry, he drew out a body of 7000 men, pretending he would fight them at a pass they were to come over: But as soon as ever Colonel Sheldon (with his horse) advanced, he gave him the sign to come over, and ran away, swearing a great oath, and saying, Gentlemen, I see you will not fight; though, at the same time, they were, in all appearance, very zealous and willing to engage. From thence he immediately fled to the city, and then shut the gates upon thousands of souls, pretending scarcity of provisions, who all either perished for hunger, or were left as a prey and sacrifice to the rage and fury of their insulting enemies.

Soon after, Colonels Cunningham and Richards, with two regiments, came to the assistance of Derry, whom he discouraged from staying, declaring, That they had provision but for a few days, and that the people who were in the city were but a rabble.

However, all the transactions in their council of war, as they called it, (though none were admitted to it but the colonel's own creatures) were managed with the greatest secrecy; and, the better to delude the garrison, it was given out that the forces would forthwith land. And of this they were so fully persuaded, that many went aboard the ships that were in the harbour, to caress and congratulate the soldiers safe arrival, who were not suffered to return again; but against their inclinations were brought into England. Cunningham next day (when on board, and, as it was agreed betwixt him and the confederate colonel) sends him a letter, That he had discovered some ships at a distance, which must needs be further succours designed for the relief of Derry; that he would fall down to the harbour's mouth, and return again with the rest of the fleet. This letter was handed up and down Derry to pacify the people, though generally they began to apprehend they were sold and betrayed: And in this their suspicion they were confirmed by a lady (related to the colonel) who had forgot her cue, and unwarily told a lieutenant in the garrison, that Cunningham did not design to land, and that his letter was a mere sham. After this Cunningham set sail, and hovered at a little distance, expecting the colonel, who had promised him to make his escape, and go with him for England; but the colonel not coming according to the time appoint-

ed, he pursued his voyage, and left us under the apprehensions of immediate destruction.[1] But (blessed be God) we have hitherto made some tolerable defence for ourselves, and still hope to give a good account of the place. I am,

Yours, G. WALKER.

The State of the Papist and Protestant Proprieties in the Kingdom of Ireland, in the Year 1641, *when the then Rebellion began, and how disposed in* 1653, *when the War and Rebellion was declared at an End, and how disposed in* 1662, *upon the Acts of Settlement; and how the Proprieties stand this present Year* 1689, *with the Survey, Loss, Cost, and Charges of both Parties by the aforesaid War, or Rebellion: With Inferences and Expostulations from the whole, faithfully calculated in so concise a Manner and Order as was never done before: Humbly rendered to the Consideration of the King's most excellent Majesty, and the Parliament of Lords and Commons now sitting at Westminster. To which is added, a List of the present Nobility of Ireland, Protestant and Papist.*

Printed in the Year 1689.

King James commenced in Ireland with those measures in favour of the catholic religion which at length cost him his crown. The furious measures of Tyrconnel produced the following expostulation from the protestants of Ulster and Leinster, who saw their destruction resolved upon. It is said to have been presented to James II. shortly before the Revolution; but was printed after that great event, with a dedication to King William; so that the latter monarch is addressed in the dedication, and the former in the body of the work.

To the King's most excellent Majesty.

May it please your Majesty,

As it hath pleased the eternal Providence to make your majesty the illustrious instrument of saving these three kingdoms, now under your happy government, from an inundation of popery and slavery, just ready to break down the banks of their ancient laws and liberties, so is it the duty of every particular person, to the utmost of his abilities, to prostrate at your royal feet those lights and discoveries, which he may have gained by long experience and observation, to the end your majesty may the better be enabled, by the general survey of the state of affairs in any of your kingdoms, and a fair prospect of their past ill government, to apply those remedies which your majesty, in your great princely wisdom and prudence, shall deem most conducing to the establishment of their future happiness: Since it is yet undetermined among the most deeply learned by which means a potent monarch gains the most durable renown, whether by erecting a new fabric of dominion, or by reforming the errors of an ancient constitution.

[1] Lundy himself stole away with a load on his back; a disguise suitable to the disgraced character who assumed it.

These papers, therefore, may it please your majesty, falling into my hands, and being by myself imparted to some persons of eminent degree, and better acquainted with the affairs of Ireland, I was encouraged to believe, that it would be no unkindness to the author, to prostrate them with all humility to your majesty's royal consideration; that so your majesty might, with less trouble, understand the present condition of that your kingdom, in reference to the partial disposal of the lands and possessions in that kingdom; whereby it doth manifestly appear, what interest prevailed in the punishment (if so it may be called) of the subdued Irish, for all the massacres they committed, and all the blood they spilt in the late rebellion, as if the Irish had rebelled to be the only gainers, and the English had expended so much treasure, and the lives of so many thousands, to be the only losers in the distributions of their conquests; the victors not being permitted to enjoy what they had justly won by the sword, while the Irish were restored to what they had as truly forfeited by their cruel disloyalty; by which partial piece of justice, the victors were indeed subdued, and the conquered were, in the conclusion, victorious.

All which being fully made out in the following sheets, I thought it my duty most humbly to add this smaller offering of my sincere integrity to serve your majesty, to the better assistance and information of persons more able, though of none more ready and zealous to approve himself, by all the strictest performances of loyalty and allegiance,

Your majesty's most humble, obedient,
And faithful subject and servant,
J. C.

This Letter, and the Calculations annexed, were transmitted from Dublin, to the late King James II. in the Year 1688, *some few Weeks before his Highness the Prince of Orange landed in England.*

May it please your Majesty,

The true intent of your majesty's most humble orator, by this and his former address, being to give truth a release from the common restraints of fear, flattery, or favour, that so your majesty having a true representation of persons and things here, may be the better enabled and encouraged to apply suitable and seasonable remedies, to the most desperate maladies of this late happy, but now most miserable, country.

Your majesty cannot but know, that most princes have, by advantageous experience, found public truths made known by private, when suppressed by public persons, yet that the matters herein contained might contract no prejudice by the obscure instrument that conveys it.

As in his former letter he humbly referred the particulars to a person of greater circumstances of credit with your majesty than can be found in this country; and as to the calculations hereunto annexed, your majesty will find their credit most supported on your own records, and where those are defective, that supply is made by those probable conjectures, which are, as well as the records, in themselves evident, those conjectures being either grounded on that common principle of commutative justice, *id valet quantum rendi potest*, or subjected to the mensurations of the altitude and magnitude of celestial bodies made by astronomers, which are demonstrable, may, and must be more, but cannot be less, than those computations make them.

I know that the loss of five millions, and five hundreds, and fifty thousands, mentioned in the foot of the annexed estimate, as lost by a less than two years Irish government, seems to be a prodigious and an incredible loss.

But that sum not appearing to be a third of the whole value of the kingdom, and it being manifest, that at least one fourth of the houses in this city of Dublin are now

waste, and that house-rents here and elsewhere are fallen at least one third of their former annual value, and that lands in the country are generally fallen more than one fourth, and the inheritance now refused at eight years purchase, which would not before have been sold for near double that value.

Some here, and those none of the meanest criticks in calculations, drawing inferences from the aforesaid premises, do conclude that this kingdom is sunk more than a moiety of its intrinsic value within the said time.

Especially, when they add to the aforesaid considerations, the great impair of the British trade; the traders now left being not worth a moiety of those we have lost, and these seeming rather prepared for flight than stay.

While by the open packing of Irish juries, corrupting of evidence, and partiality of Irish judges, they see it in the natives power to take what British life or estate they please, and to make the most innocent person suffer as the greatest malefactor, and all the while not seemingly break any law by so doing. It is well known, that upwards of fifty indictments were found by Irish evidence against the British, who were most celebrated for loyalty in this kingdom; who, though they were afterwards all acquitted as being innocent, had yet, in all probability, suffered as traitors, had not the unexpected coming of the Earl of Clarendon to the government, and his appointing protestant sheriffs, broke those snares.

Your majesty so well knowing the validity of oaths, as to the proof of crimes and titles by the English laws, will easily believe what fatal execution a people let loose may do on a people bound by those cords; especially, where perjury is by some held no sin, by most a venial sin, and by others a duty. How often do we now see forged deeds, formerly most justly condemned, revived; how often do we see, and that to the great scandal of justice and government, your majesty's Irish council making use of your majesty's name, as highwaymen do of your public road, that they may the better violate your law, rob your subjects, and enrich themselves, and, pirate-like, make all prize that are weaker and wealthier than themselves?

How often do we hear the poor British reflecting on the late bad and miserable times, when the Irish made all the British within their reach either accessaries to their guilt, or subject to their wrath? When in six months time, without commiseration to sex or age, without any opposition or provocation, they murdered upwards of one hundred thousand British in one province of this kingdom, and that with all imaginable circumstances of cruelty and barbarity? All which must be true, or the records taken on your father of blessed memory's commission, reciting circumstances of time, place, and number of persons so murdered, must be all false; and had the government, garrisons, and army, been then, as now, in the Irish hands, it is more than probable there had not one British person been left alive in this kingdom.

And can the flight of the British at, and their flight from, these flames now, which they found and felt so destructive then, be matter of blame to them, or surprise to any, or can it be presumed that the natives disappointment by that war had lessened their rage, or bettered their nature, if when the Irish had no share in the government, nor arms, nor knowledge how to use them, and no command of garrisons or soldiers, but these and many other advantages in the British hands; if they were then able to make their wrath so successful, what can rationally be expected to become of the British now amongst them? I do the more willingly enumerate these particulars, rather to confirm the following, and more moderate estimate, than the larger made by others, concerning the aforesaid loss. Yet this I may with more truth than satisfaction affirm, that if the judicial proceedings past in that time are not reviewed, if the gaps lately made, to let in an inundation of arbitrary power on the British propriety is not repaired, and those who made them severely punished; and, lastly, if no better security than Irish judges, sheriffs, and juries can be found to preserve the British proprieties, Ichabod

may well be the character, a foreigner the master, and desolation the portion of this unhappy country, when it becomes a habitation for wild beasts, or worse creatures, under only the shape and resemblance of human features.

Your majesty's improvement of these and better helps may so open your ears, that, in the words of the psalmist, "The sorrowful sighing of the prisoner may come up before you;" and then I no ways doubt, but in the further words of the same psalmist, according to the greatness of your power, and goodness of your nature, you will preserve those who seem appointed to die, that they may yet live to pray for your majesty's long life, &c. as doth, it may please your majesty, your majesty's most humble, dutiful, and obedient subject and servant.

An Estimate, containing,

1. The latitude, longitude, and survey of the whole kingdom of Ireland.
2. What part, or how many acres thereof are profitable, and how many unprofitable.
3. The annual value, with the value of the inheritance of both in 1641, before the late Irish rebellion began, with what it was reduced unto in the year 1653, when the said rebellion was declared at an end.

How the said Irish propriety was settled and disposed in the said year 1653.

How disposed in 1662 and 1663, by the Acts of Settlement and Explanation, and by the commissioners for executing the said acts.

How it stands on the date of this estimate, viz. in the year 1688.

The particular loss and gain of both protestant and Irish part by the said rebellion.

The whole charge of the then king and the protestant party, to suppress the said rebellion.

Lastly, inferences from all the aforesaid calculations.

Survey.

The latitude of Ireland, north, is parallel to Dumfries in Scotland, which is about sixty miles more north than England.

South, it is parallel to St Michael's Mount in Cornwall.

The longitude, west, to the utmost point of Ireconough, in the county of Galway.

East, to the head of Hoath near Dublin.

The whole number of acres, by comparing several surveys, appears to be about ten millions and four hundred thousand Irish acres (twenty-one foot to the perch) which make about seventeen millions English measure, and makes Ireland equal in quantity to England, Wales excepted.

Of the said ten millions four hundred thousand acres, there appears to be about three millions of mountains, wood, bog, and other unprofitable acres.

So that the profitable part appears to be about seven millions and four hundred thousand acres, which are thus seised, possessed, and enjoyed *anno* 1641, before the rebellion began.

First, The British or protestant propriety was then about two millions four hundred thousand of the said profitable acres, Irish measure.

The Irish, or Roman catholics propriety was the remainder, being about five millions of the said acres.

Memorandum—That *anno* 1653, the rebellion was publicly declared to be at an end, and then the aforesaid Irish propriety of the said five millions of acres was distributed and disposed of as follows.

First, Unto such of Irish Roman catholics, who proved their constant good affection to the British interest, were restored about one hundred thousand acres.

Secondly, There was set aside to satisfy the officers and soldiers who served in the Irish war before *anno* 1649, being the year Oliver Cromwell came over into Ireland, in

the counties of Wicklow, Longford, Letrym, Donnegal, and within the Mileline of Sea and Shannon, about four hundred thousand acres.

Thirdly, There was distributed to the adventurers who advanced moneys on the acts of the seventeenth and eighteenth of King Charles I. to carry on the war of Ireland, about eight hundred thousand acres.

Fourthly, There was set forth to the officers and soldiers, who served from 1649 until 1653, being the declared end of the said war, about two millions of acres.

Fifthly, There was set forth to several grants, about one hundred thousand acres.

Sixthly, To the Roman catholics, according to their several proofs of their qualifications by the commissioners at Loughreagh, pursuant to the decrees of the commissioners at Athlone, about seven hundred thousand acres in the province of Connaught and county of Clare.

Seventhly, There was set aside for the support of the government, the forfeited houses in the walled towns, and about eight hundred thousand acres in the counties of Dublin, Louth, Cork, Cathorlough, and Kildare, the most of which were let in leases of thirty-one years to British protestants.

Memorandum—That the aforesaid British or protestant proprieties were, *anno* 1653, restored to the respective former proprietors.

And thus stood the proprieties of lands in the kingdom of Ireland until *anno* 1660, the restoration of the late king.

Memorandum—That in the years 1661, 1662, and 1663, by acts of parliament, and decrees of the Court of Claims, there were taken away from the aforesaid interests and retrenchments of one third, by the explanatory act, and restored to former proprietors about two millions of acres of the aforesaid lands, so that at the period of the said commissions of claims, the aforesaid propriety was as follows.

First, The protestant propriety, and the propriety of the Roman catholics, who proved their constant good affection to the English, were untouched, either by act of parliament or decrees of the Court of Claims.

Secondly, The lands of the officers who served his majesty in the Irish war, before the year 1649, were reduced to about one hundred and ninety thousand acres, the rest of their lands were restored to former Irish proprietors.

Thirdly, The aforesaid adventurers satisfaction was by the said acts of parliament, and decrees of the Court of Claims, reduced to about three hundred thousand acres.

Fourthly, Remaining then with the officers and soldiers who served since the year 1649, about twelve hundred thousand acres.

Fifthly, There was then left with the transplantable Irish in the province of Connaught and county of Clare, about six hundred thousand acres.

Sixthly, There were confirmed to grantees, by the acts of parliament, about two hundred thousand acres, of which about one moiety was to Roman catholics, the other to British protestants.

Seventhly, There is left of course, lands undisposed, and overplus lands, in the hands of soldiers and adventurers, about one hundred thousand acres.

So that there appears, confirmed by acts of parliament, and the commissioners of the explanatoric acts, about seventeen hundred and eighty thousand acres to the soldiery and adventurers, and to the protestant grantees, by provisoes in both the said acts, about one hundred thousand acres, and the like sum of course retrenched and undisposed lands are still in the king's hands, which makes in all about two millions of Irish acres, which is all that the crown of England interest hath got, and the Irish then lost by that rebellion: But since by his majesty's present rent roll there appears above two-thirds of the aforesaid two millions to be got by pretended deeds, set up by the Irish, or by purchases made at unvaluable rates, both by the Irish and the former British inhabitants of that country, so that now there is little appearance of that late numerous

and victorious interest, which rescued this kingdom out of the Irish rebels and British malcontents hands; which how valuable the foresaid two millions of acres were, and now are, will appear by the next general head, which contains the annual value and inheritance of the said lands in the year 1641, before the rebellion began, and to what value both Roman catholic and protestant propriety was reduced in the year 1653, when the said rebellion was declared at an end: All which will more fully appear by the following diagram.

The Value in 1641, *before the Rebellion began.*

The whole kingdom contains seven millions four hundred thousand profitable acres, of which the four shillings an acre, comes to one million four hundred and eighty thousand pounds sterling, twelve years purchase, comes to seventeen millions seven hundred and sixty thousand pounds sterling.

Irish propriety then was five millions of acres, one million of pounds sterling comes unto twelve millions sterling.

British propriety two millions and four hundred thousand acres, four hundred and eighty thousand pounds sterling, comes to five millions seven hundred and sixty thousand pounds sterling.

The reduced value of the whole, and of each propriety in 1653, when the rebellion was declared at an end, was, annual value at nine-pence an acre, inheritance at eight years purchase.

The whole kingdom seven millions four hundred thousand acres comes to two hundred seventy-seven thousand five hundred pounds sterling, comes to two millions two hundred and twenty thousand pounds sterling.

So that the difference betwixt 1641 and 1653, is fifteen millions five hundred and forty thousand pounds sterling.

The Irish propriety then about five millions of acres, at nine-pence an acre *per annum*, comes to one million eighty-seven thousand five hundred pounds sterling. The inheritance at eight years purchase, comes to one million and a half sterling.

So that the difference betwixt 1641 and 1653 of this propriety, was nine millions four hundred and eighty thousand pounds.

The British or protestant propriety was two millions and four hundred thousand acres at 9d *per annum*, comes to ninety thousand pounds sterling. The inheritance at eight years purchase, comes to seven hundred and twenty thousand pounds sterling.

So that the difference betwixt 1641 and 1653 in this propriety, was five millions and forty thousand pounds sterling.

Memorandum—That besides the aforesaid Irish propriety in lands, there appears by your majesty's records in the auditory office, that there were as many houses in walled towns, besides tithes and rectories belonging to the Irish, which did yield *anno* 1653, about five thousand pounds sterling *per annum*, which at eight years purchase was then worth forty thousand pounds sterling.

Memorandum—That the protestant propriety, within the walled towns, is not included in the above calculations, neither the tithes or glebe belonging to two thousand four hundred parish churches; there being about that number of parishes in this kingdom.

The next general head is the particular loss and gain of both British and Irish by the said rebellion.

Memorandum—That by the aforesaid article it appears, that the British have got, and the Irish have lost, by the said rebellion, about two millions of acres; which, by the aforesaid valuations in the year 1653, appear to be worth two millions of nine-pences *per annum*, which is seventy-five thousand pounds sterling, at eight years purchase for the inheritance, is six hundred thousand pounds sterling.

This was the common value when the British entered on the forfeited lands; and to

this is to be added the aforesaid forty thousand pounds for their interest in walled towns and rectories.

This six hundred and forty thousand pounds is the whole of the British gain and Irish loss by the said rebellion.

Memorandum—That the Irish loss of houses, goods, stocks, &c. being occasioned by their own rebellion, are not included in this calculation.

The next thing considerable is the Irish gain, and the British loss, which appear by these following particulars:

I. By thirteen years loss of rents, the annual propriety of the British did amount, as aforesaid, before the rebellion began, to four hundred and eighty thousand pounds, which for thirteen years amounts unto six millions two hundred and forty thousand pounds sterling.

II. The said rebellion began the 23d of October, 1641, at which time the British had one whole year's stock of hay and corn by them, which usually supplied them with materials to satisfy their November and May rents then ensuing, and had likewise then sowed their winter corn, both which could not be less worth than half a year's rent of the whole land, which appears, as aforesaid, to be two hundred and forty thousand pounds.

III. The British propriety was, as is well known, well stocked and improved *anno* 1641, and consisting of two millions four hundred thousand acres Irish measure, which appears to be near a third of the whole kingdom, must have its proportion of the three millions of unprofitable acres as aforesaid, and there could not be less stock on two acres and a half Irish measure (which, considering the addition of the unprofitable, must be more than four English acres) than one beast on the pasturable part; what acres were under corn must be of a much higher value, which beast, *communi rato*, could not be of less value than twenty shillings; by which the value of the British stock, at a moderate rate, appears, in the year 1641, to be worth two millions four hundred thousand pounds.

IV. The value of their houses, goods, and improvements, cannot be valued at less than double the value of their stocks, which makes four millions eight hundred thousand pounds. The aforesaid four sums which were received, and robbed or taken from the British, during the said rebellion, appears to be thirteen millions two hundred and forty thousand pounds, which supposeth the whole British propriety to be robbed, spoiled, or enjoyed by the Irish during the said rebellion; whereas it is evident, that the metropolis of Dublin, the city of Drogheda, in the province of Leinster, the city of Londonderry, Colerain, town and castle of Enniskilling, towns of Belfast and Carrickfergus, in the province of Ulster, the city of Cork, the towns of Bandonbridge, Youghal, and Kingsale, were never in the Irish hands; but these, compared with all the other towns and cities of this kingdom, with more than nineteen parts in twenty of all the lands, which within six months after the rebellion began, were still in the Irish hands, there cannot be abated in the aforesaid consideration one-tenth of the aforesaid sum.

Yet, abating the tenths, there remains nett loss to the British, and got by the Irish, twelve millions one hundred and thirty thousand pounds sterling.

V. On or about the years 1662 and 1663, there were taken from the British, and restored to the Irish, by acts of parliament and decrees of the Court of Claims, above two millions of profitable acres, the annual value of which said lands *anno* 1653, when the British first entered upon them at nine-pence an acre, appears to be seventy-five thousand, which, at eight years purchase for the inheritance, is six hundred thousand pounds; but by the British enjoyment and improvement of the said lands from 1653 until 1662, and 1663, the annual value of the said lands was raised unto two shillings three-pence an acre, which was two hundred and twenty-five thousand pounds sterling, and the inheritance at ten years purchase, lands being then so usually set and sold in

those times, and the inheritance of the aforesaid two millions appearing not to be worth more in the year 1653, when the British entered on them, than six hundred thousand pounds, which being deducted out of two millions two hundred and fifty thousand pounds sterling, it appears that the British have lost, and the Irish have got by the two millions of acres so as before restored, sixteen hundred and fifty thousand pounds, which being added to the aforesaid twelve millions one hundred and thirty thousand pounds, it's clear by the aforesaid particulars, that the British have lost, and the Irish have got by their rebellion, thirteen millions seven hundred and eighty thousand pounds; to which being added the five millions forty thousand pounds damage done the British propriety, as appears by the forementioned diagram, in reducing the values of the inheritance of the said lands in 1653, from what it was worth in 1641, makes the nett damage of the protestant propriety by the said rebellion to be eighteen millions eight hundred and twenty thousand pounds sterling.

The next general head is the particular charge of the said rebellion to the king, and the British or protestant interest of this kingdom.

1. By an adjusted account now on record here in Dublin, it appears, that from the 23d of October, 1641, to the year 1649, there was due only to the commissioned officers, about eighteen hundred thousand pounds sterling.

2. There could not be less than double that sum due to the non-commissioned officers and private soldiers within the said time, which amounts to three millions six hundred thousand pounds.

3. There was received by the said officers and soldiers in monies, quarters, and provisions within the said time, one-fourth of the whole, which was defaulted out of the officers debentures, and amounted to one million three hundred and forty thousand pounds.

So that from 1641 to 1649, the charge of the said war appears to be at least six millions seven hundred and forty thousand pounds; and what since to the period of the war in 1653, appears to be these following particulars:

1. By an adjusted account, there appears due to the officers and soldiers, who served within the said time, about twelve hundred thousand pounds, which was satisfied in lands.

2. The said officers and soldiers were paid two parts more in money, which was two millions four hundred thousand pounds.

3. There was one-fourth deducted out of both officers and soldiers debentures on the account of quarters and provision, which amounts to, as aforesaid, twelve hundred thousand pounds.

4. By an adjusted account it appears, that the English adventurers advanced in the years 1641 and 1642, about four hundred thousand pounds, which money being advanced and paid in the aforesaid years of 1641 and 1642, and no satisfaction made until the year 1655 and 1656, the interest must be more than the principal, which amounts at least to eight hundred thousand pounds.

5. There was near ten thousand Scots, who served most part of the war in the province of Ulster, under the command of General Lesley; but their arrears being never stated, adjusted, nor paid, cannot be so particularly ascertained, but cannot be less than one million of pounds.

Memorandum—That there was many independent troops in Ulster and Munster whose accompts were never adjusted, satisfied, or paid.

Memorandum—That in this calculation is also omitted the most christian and charitable relief given and sent by the states of Holland, who in one ship sent thirty thousand pounds in provisions in the beginning of the rebellion, which came so seasonable, that hundreds of British families were thereby preserved from starving and

perishing; nor is there mentioned the charge of ships, arms, or ammunition during the war.

Memorandum—That there is not any mention made of the great collection of charity for the relief of the despoiled protestants of the country.

The aforesaid particulars since the year 1649, amounted to six millions six hundred thousand pounds; before 1649, appears to be six millions seven hundred and forty thousand pounds.

Both sums, containing the whole of the aforesaid charge, amount to thirteen millions three hundred and forty thousand pounds.

The British or protestant loss and damage appears to be, as aforesaid, eighteen millions eight hundred sixty-two thousand pounds, and both together make thirty-two millions one hundred and sixty thousand pounds.

From all the premises afore-mentioned the inferences following do naturally arise:

1. Whereas the English adventurers debt, who advanced money on the credit of two acts of parliament in the year 1641 and 1642, for support of the Irish war, did amount to more than eight hundred thousand pounds, and it appearing as aforesaid, that they received more than three hundred thousand acres of land for satisfaction of the said debt, and it likewise appearing by the aforesaid diagram, that the annual value of the said lands was at most but eleven thousand two hundred and fifty pounds, it is manifest that the said adventurers paid more than seventy years purchase for what was not worth really more than eight.

2. Whereas, there appears as aforesaid due to the English soldiery above all the deductions, six millions six hundred thousand pounds sterling, and those who served before the year 1649, having received but one hundred and ninety thousand acres of land, and as many houses in walled towns and incumbrances as were worth at most but five thousand *per annum*.

And whereas it appears that the soldiery since 1649, had left them by the Court of Claims about twelve hundred thousand acres, making in all about thirteen hundred and ninety thousand acres, which, with the five thousand pounds *per annum* for rents of houses, &c. appears at most to be worth no more than fifty-seven thousand one hundred twenty-five pounds *per annum*, as appears by the aforesaid diagram, it is as clear that the said soldiery have paid more than one hundred and fifteen years purchase for what was not worth more than eight.

3. Whereas it appears as aforesaid, that the whole loss in houses, lands, tithes, and rectories of the Irish do amount at most but to six hundred and forty thousand pounds, and it appearing that the British lost, and the Irish, during their rebellion, got,

1. As much corn and hay from the British as was at least worth, as aforesaid, two hundred and forty thousand pounds, which sum alone is more than one-third of their whole loss.

2. The British stock of horses, sheep, cattle, &c. appears as aforesaid to be worth two millions eight hundred thousand pounds, which appears to be more than four times the aforesaid loss.

3. The British houses, goods, and improvements which the Irish got, and the British lost, appears to be five millions six hundred thousand pounds, which is more than nine times the aforesaid loss.

4. The rents which the Irish received from the British propriety during their rebellion, amounting to five millions eight hundred and forty thousand pounds as aforesaid, is more than nine times the aforesaid loss.

The British loss in their improvements on the restored lands by the Court of Claims in 1662 and 1663, amounts to sixteen hundred and sixty thousand pounds as aforesaid, which alone is near treble of the whole of the Irish loss.

Memorandum—That the aforesaid five sums which the Irish got from the British,

deducting the tenth as aforesaid, is fifteen millions and thirty thousand pounds; so that it is plainly demonstrated, that the Irish got from the British more than thirty times what they lost by their rebellion.

Memorandum—That to the aforesaid British loss, there is yet to be added the damage done their propriety, from the value it was worth in the year 1641, to what it was reduced to in the year 1653, which appears to be five millions two hundred and eighty thousand pounds, which makes the whole loss and damage done the British by that rebellion to amount unto above twenty millions of pounds sterling; which sum appears to be lost out of less than a third of the whole propriety of this kingdom, and is,

1. More than double the value of the whole propriety of their lands in the year 1641, and more than twenty times the value it was reduced to in the year 1653.

2. It appears as aforesaid to be more than the whole propriety that all the lands in this kingdom was worth in the year 1641.

3. The protestant loss and damage, as aforesaid, appears to be near double the charge of the aforesaid war.

4. It appearing before the death of Charles the Second, that lands in this kingdom were raised to equal value in 1641, it is demonstrable, that the British industry had raised this kingdom, in thirty years time, notwithstanding all their discouragements, to upwards of fifteen millions of pounds sterling.

The late King Charles, in favour of the Irish, releasing by the Explanatory Act the clear right which the crown had to the whole province of Connaught, counties of Clare, Limerick, and Tipperary, his majesty thereby parted with ten times more than the Irish forfeited.

VI. By provisoes in the Act of Settlement and Explanation, and by pensions and other donatives given the Irish, as appears by the treasury accounts of both kingdoms, there appears much more given to them than was forfeited or lost by them.

VII. The last parliament in this kingdom giving his majesty twenty-eight subsidies, and three hundred thousand pounds in money, gave more in value than all the forfeitures by that rebellion, they settling a revenue of upwards of two hundred thousand pounds *per annum* on the crown, with a *nemine contradicente*, by that gave more than ten times the value of the said forfeitures.

VIII. The charge of that rebellion appearing to be thirteen millions three hundred and forty thousand pounds, it is evident, that the aforesaid Irish loss will not pay a fourteenth part of the said charges.

IX. Admit the lands of this kingdom were before the commencement of the present Irish government (or Irish administration) raised to the value of 1641, and that lands were only fallen one-fourth in their yearly value, which appears to be about three hundred and ninety-three thousand pounds, and that they were only sunk in the inheritance one-third, which is five millions five hundred and fifty thousand pounds, then both making five millions nine hundred and forty-three thousand pounds, which this kingdom is already sunk, with only one year's Irish government.

X. Whereas it appears by the excellent preface of the Act of Settlement, that *anno* 1660, seven years after the aforesaid rebellion was declared at an end, when persons and things were in calm and serene frame in this kingdom, the most able of the Irish agents were fully heard before his majesty and council in England, what they could answer in behalf of their countrymen; yet on the said hearing, the universal guilt of the Irish, with their horrid massacres and barbarous murders in that rebellion, were fully proved, their just forfeitures of their lives and estates affirmed, and that rebellion declared by the said king and council in England, and afterwards by the parliament and council of Ireland, the most horrid and universal rebellion which ever befel that kingdom; and as thereby it appears to be the highest in point of guilt, so by what hath been said as aforesaid, it appears to be the greatest in point of loss and charge;

and though, as by the said excellent preface it further appears, that, by God's blessing on the British forces, the said Irish were totally, universally, and absolutely subdued, yet it appears, as aforesaid, that affairs have been so managed, that the nocent, conquered Irish party, both in times of peace and war, have been gainers, and the innocent victorious British the only losers by that rebellion: But let it ever be remembered by your majesty, and not forgot by all succeeding kings of England, nor the English nation, that if the public disturbances in England, heightened into a civil war (chiefly occasioned by the massacre and rebellion here) at the same time, and the great corruptions of those through whose hands most of the administrations passed, relating to Ireland, had not prevented, that rebellion had not cost the British one-fourth of the time, nor one penny charge, but on the contrary the very forfeitures of the Irish would not only have paid all that whole reckoning, but an overplus sufficient to have plentifully rewarded the victorious British, which no doubt will be found mathematically true, if ever the Irish give another occasion to try it.

Lastly, Whereas it appears as aforesaid, that the whole loss, costs, and charge of the king and protestant party, to suppress the said rebellion, did amount to thirty-four millions four hundred and eighty thousand pounds sterling, and whereas it sufficiently demonstrates who have been the greatest gainers and the greatest losers, so it shews who have most cause to complain of the dismal effects of that rebellion, whether the conquering British, or the conquered Irish; and so it is more than probable, that the said rebellion began the 23d of October, 1641, and ended in the year 1653, and that as it cost and lost more treasure, so if there were as careful a scrutiny made after the blood spilt, or occasioned to be spilt, as of treasure spent, both would appear much greater than the price of all the late Christian victories over the great Turk, which may be a sufficient and seasonable caution, both to prince and people to prevent future rebellions in this kingdom, which, since its original conquest, hath by the sins of both been made an *acheldama*, or field of blood. The late unusual prodigies from the heavens, the late dismal apparitions in the air, the late unheard-of inundation on this city, the astonishing variances of our great ones, detecting each other's nakedness, the late revival of our national and religious animosities, with the British *migremus hinc*, and other fatal prognostics, seems to foretel as fatal, or more fatal, judgments, than that which last befel this kingdom, which, next to the abomination of desolation, which befel the Jews, was the heaviest and sharpest that ever befel so small a spot of the world, since the world began; which, were it described, as it ought, could not be believed but by such as saw it, were actors in it, or suffered by it, which, with God's blessing on your majesty's counsels, may be yet easier prevented than hereafter cured, which is the proper end of this estimate, and gives foundation for the British following expostulation with their king and their Irish neighbours.

Dread Sir,

What have we done to merit the severity of your highest displeasure? Nay, what have we not done, which might entitle us to your highest favour? Were we or our ancestors ever false? or were our Irish adversaries, or theirs, ever true to the crown of England? The Irish have frequently made us, and our ancestors, beggars, but never yet made either rebels. Were not our estates seized, our houses burnt, our goods and stock plundered, our chargeable and laborious improvements spoiled, our persons stripped and inhumanly murdered in the year 1641, only for our loyalty to our God and our king? And when, by an article made in the cessation, every individual person was left to choose his party, did not we as universally and unanimously declare ourselves of your father's party, as the Irish declared themselves to be of the rebel's party? We, and our ancestors, have been constantly made the butt, but it is evident that the crown of England, and the sovereignty of this country, have been made the mark of

the natives wrath. Though your father left us, and that by a law, to be supported by the parliament of England, and they really were kind to us, in the day of our extremity, yet our loyalty to him so subjected our gratitude to them, and the natural care of our relations, that when we wanted hands to revenge the innocent blood, which the natives had so inhumanly spilt, or to prevent them of spilling more; yet even then, at your father's command, we sent large supplies of both horse and foot to fight against that very parliament, which then, under God, were our only support.

And did we not continue thus dutiful, till your father's necessities forced him to desert us, and give us leave to shift for ourselves, and in this exigence, which was about the year 1646, was not his grace the Duke of Ormond, by the perfidious treachery, and breach of articles made by the Irish, reduced to that streight, that he was forced to give up his majesty's sword, either to the parliament of England, or to the confederate Irish assembly? And did not the Earl of Castlehaven, who was then a proscribed person by the parliament, and a general to the said confederate assembly, advise his grace, rather to give up the sword to the English, than to the Irish, and is not the reason of that advice made public to the world in his Memoirs?

And did not the said Duke of Ormond then publicly and frequently caution the parliament's commissioners, how they ever trusted the Irish, letting them know, that they would serve any English governor as they had served him? And did he not advise his officers and soldiers to join with any party that was English, to fight against the Irish? Pursuant to this advice, we strait joined ourselves to the parliament's forces, and were eminently instrumental in that great victory obtained against the Irish at Dungan Hill, and though we found a continued series of success to attend our service under the English banners, yet no sooner did we see your father sold by the Scots, little better than imprisoned by the parliament; and easily foreseeing those methods, presaging worse to ensue, though the parliament's forces were triumphant in the three kingdoms, yet notwithstanding all discouragements, we entered into a new treaty with the confederate catholics, and out of our passionate desire to serve and save your majesty's father in that exigency, your brother and we submitted to whatever articles were proposed by the said Irish; yet as advantageous as those articles were to them, and as prejudicial as they were to us, the Irish commissioners could not be prevailed with to sign them, until the 17th of January, 1648, when they well knew, it was too late to prevent what followed the 30th following, which articles, whosoever reads, will find them the most traitorous that were ever made by subjects with their prince.

We thus finding that we could not do what we would for your father, and vainly hoping the Irish might be more loyal and faithful to your brother, we joined ourselves to them, and continued with them, till we found it was more for his service to leave them, than longer stay with them, their armies proving cowardly and treacherous, and their clergy charging us with their crimes, though we stood until we lost our lives by fighting with our countrymen in the field, while they saved theirs, by running into the neighbouring woods and bogs. Though we were the only party that stood, and the Irish the only party that run, at the fight at Dublin, yet their ecclesiastics charged us as the occasion of that defeat, and the same cause producing the same effect elsewhere, the clergy openly preached, that they could expect no better success while they joined with us that were heretics; and being disappointed in their frequent attempts to murder the Duke of Ormond, and charging all their miscarriages on his want of conduct, whereas their supreme trusts had the whole conduct of their army, and his grace nothing left but the bare title of general; and he refusing to quit his empty command at their desire, at a great meeting of their bishops and others their dignified clergy, they fixed up a public excommunication against him, and all that should join with him, or adhere to him; which forced his grace to leave the kingdom *incognito*, and so he left

us the second time to shift for ourselves; and we conceiving it more for your brother's service to leave them, than longer to join with them, we serving again under our countrymen's banners, in less than two years time, with our help, the whole kingdom subdued: But that army being headed by a junto parliament, and they and their confidants put into all places of trust and power in the other two kingdoms, as well as in this, yet so desirous were we to serve your brother, and arrive at a lasting settlement; and so well known were our desires and intentions to our brethren, and they so confident of our assistance, that a few of us, without the help of an Irish hand, on the 13th of December, 1659, surprised and seized the strong castle of Dublin, and in less than fourteen days got the power of the whole kingdom into our hands, and as soon as we had settled it, tendered the government to his late majesty, with the offer of a well-regulated and disciplined army to assist his restoration to his other kingdoms, and had the honour of being the first of the three kingdoms who declared for his restoration. Was not his majesty so highly pleased with the sense of this our seasonable loyalty, that he made our tender and his gracious acceptance to be made a perpetual record in his high court of Chancery in this kingdom, and without any knowledge, petition, or capitulation of ours, of his own free will, gave us his royal assurance of being continued in our employs? And when by previous or legal grants that grace was made unpracticable, in that case, the losing party was to be reprised in value, worth, and purchase, as in and by the said record, relation being thereunto had, it may and will more fully appear.

And was not most of us soon after chose members of parliament in this kingdom? and did not we then and there, with all imaginable circumstances of duty and affection, without any consideration of our own streights or exigencies, give his majesty twenty-eight subsidies, and the inheritance of a revenue of more than two hundred thousand pounds *per annum?* And so passionately desirous were we of living like good neighbours, good subjects, and good Christians, with the Irish, that we as readily consented to pay his majesty one full year's profit of our estates, which we afterwards made up three hundred thousand pounds in money, which was then more than one-third of all the current coin in this kingdom, and this barely to supply and enable his majesty to exercise his greater bounty to such of the Irish as he knew most deserving; yet was this thought too little by the Irish agents, though we had lost much of our estates and improvements very severely by the proceedings of the Court of Claims, and the said agents promising us an absolute confirmation in what we had left, without expecting more from us, we readily consented to retrench one-third of what we then had. The aforesaid particulars being most of them matters of record, some matters of fact, and all demonstratively true, let all the annals and records of this, or former ages be examined, and see if thence can be extracted a loyalty exceeding this of ours.

But oh! let it not be told in Gath, nor published in the streets of Askalon, the returns we have had for all these our aforesaid services; let them sink in perpetual oblivion, and never be remembered by posterity, that we who gave such evidences of our loyalty to our exiled prince, were not thought fit to be employed after his return; that we who so faithfully served him in war and misery, should be thrown out of his service in times of peace and prosperity, our employs being not only taken from us, without any of that promised compensation made us; but that which is yet worse, those very employs put into the worst of Irish hands. Are not many of them now armed in peace, whom we lately disarmed in war for being rebels? Are not many, we then made prisoners, now made our masters? Are not we made captives to them in peace, which we made our captives in time of war? Did we give up the conquered Irish to your brother's mercy to be now given up by your majesty to their cruelty? Are not the persons, most rebellious, reputed now the most loyal and meritorious? Is not their horrid rebellion made now the standard of loyalty and merit? How often do we now hear

the Ultock Irish boast of their merit, that they killed one hundred thousand heretics in six months time, and reproaching the Leinster Irish, that they killed not half that number in double that time? Who ever thought that the Boyles, Coots, St Georges, &c. should be turned out and pursued as disaffected to your majesty, and the Mac-Gennis, Mac-Mahons, Oneals, &c. brought into their places, and received as good subjects!

And as I have often heard the British making the aforesaid and like expostulations with their king, so have I heard them as frequently making these and the like expostulations with their Irish neighbours.

Sirs, What are our crimes, or what have we, or our forefathers, done? What is the greatness of our, or their guilt, that nothing but our utter extirpation can be our expiation? Have not they and we been ever pursued as beasts of prey, by many of you, who have given clearer evidence of your being wolves and tygers, than men and Christians? Have we not dearly bought the estates we have here enjoyed? Might we not have bought the best land in England on easier terms, than we paid for the worst in Ireland? Did we first get them by oppression or injury, that we must now lose them by perjury and forgery, after we have made the annual value more worth than the inheritance when purchased?

You well know that, Catiline-like, the evils you have done cannot be safe, but by attempting greater; and we as well know, that the speedier is your haste, the sooner you will be at your journey's end. You must believe as your church believes, and do as your priests will have you do; and we well know what they would have done with excommunicated heretics. You cannot be true to your own principles, and continue true to us. We do not expect grapes from thorns, nor figs from thistles; such as is the tree, such will be the fruit; your national principles are bad, but your ecclesiastics worse: These are the two bellows that blow up the flame of your wrath to the height, that nothing but our blood can be our expiation. Should we give up our lands, stock, and improvements, should we voluntarily yield ourselves to be your slaves, nay, should we turn papists, that would not save us, nor satisfy you, our original guilt is our unpardonable sin; we are British, and true to the British interest, which can be expiated with nothing less than our blood. Are not thousands of you yet alive, who drank, not many years since, too deep of that cup, and are you thirsty still? Were not hecatombs of our slaughtered brethren then victims to your merciless rage, and are you enraged still? Was the harvest so pleasant then, that, now you have power, you are so industrious to sow the same seeds again? Have you so soon forgot, that when we wanted hands to revenge that innocent blood which you so barbarously spilt then, and were utterly unable to prevent you of spilling more, did not God himself arise and plead our cause, when our swords could not reach you? Did not his arm find you out? Did he not then send a pestilence and a famine amongst you; what the one left, did not the other take; and what both left, did not the sword devour? And were not these as inexorable to your cries, as you had been before to ours? Did not these deal as severely with you, as you had done before with us? Did not these depopulate as many villages, parishes, and towns in your proprieties as you had before in ours? He that thus miraculously helped us, and has justly punished you in that rebellion, why think you may he not do the like for us in your next, which you now seem to be preparing for? We know his almighty arm is not shortened; your exultations, your *Te Deums*, your church-merriment for the exaltation of Roman catholicism, may, like the music, or rather howlings at Moloch's sacrifices, drown the present cries of the oppressed, and stop the ears of men, but will it, think you, as easily stop the ears, or withhold the hand of God? As we find your malice no ways abated, so we wish and advise you to be very cautious how you force it upon another trial, whether his arm be any way shortened. When many of you had drunk deep of our blood, to satiate your rage, were not many of the same persons shortly after, in the time of famine, as greedy of

our flesh, to satisfy your hunger; and did you, canibal-like, eat several, and were you not at last, by the same just God, reserved to be yet more chastised by the sharpest and severest of English hands? You made it your sport to destroy us, they made it their work to destroy you. They with as much ease conquered you, as you before had murdered us: Their great endeavour was to keep off our hands from being your assistance, and then feared no harm which could come to them singly from yours.

When your supreme council were consulting how to destroy Cromwell, you know the advice given by the Lord Viscount Clammaleer, which was to join with him, giving this as his reason, that he never knew his countrymen join with any party, but they strait destroyed them; you may make yourselves as infamous to posterity as he who destroyed Diana's temple; you may destroy again much of the country, but cannot long keep it.

What if, like Isaac, we are now bound as a ready sacrifice to your rage? Was it your courage that did thus bind us, or our submission to the will of God and his vicegerent; and as God wrought a miraculous delivery for him, so we doubt not but in his time, which is the best time, he will work the like for us? What, if by the misrepresentation of a great courtier, or greater favourite with his prince than with his God, we are now, as the Jews once were to Haman, given up to his hands to be destroyed? Have we not a Queen Hester in our view, who is more able to save than to destroy us? What if we who have been as terribly formidable to the Irish as Sampson was to the Philistines, having now our strength taken from us, are become as contemptible as he, without his locks; yet on the return of our strength, we despair not soon to pull down that Irish fabric which you have now set up to make us your slaves? What if your numbers were treble what they are, or can be, it is well known we never feared your numbers; the more you are, the more will be to kill, to be taken, and to run away. Do not think that the Irish harp, or the fading flower-de-luce, can secure you from the British and Belgic lions in a day of trial.

You escaped well in the last rebellion, think not to speed so well in the next; we know you got favour and forfeitures enough in your last rebellion to make satisfaction for the charge and mischief you may do in your next, *sero sapient Phryges*, wherein perhaps God may arise and spirit men to call to account that ocean of innocent blood you spilt, and as yet unaccounted for, which day of reckoning, his justice will not for ever delay; and though justice have leaden heels, yet it hath in all ages been found to have iron hands; could those who have put arms into your hands, put courage into your hearts, or other souls into your bodies, they might hope to make you good soldiers. It is confessed by all, that the British were ever the best fighters, and it cannot be denied but you were ever esteemed the best runners. Naturalists observe, that where nature is defective one way that defect is supplied another; so the want of courage in your hearts is supplied with the better agility of the heels: Oh! the consolation of a soft bog and a thick wood in a day of battle! Some of you have complained you have been oppressed by English governors. It is confessed, that the government of this kingdom, being a subordinate government, we as well as you have too often received severities from powerful ministers; but did we ever take rebellions, murders, massacres, &c. for a cure, or Irish blood for our revenge? Though you may have some cause, yet we know your complaints have exceeded your cause. We can remember the complaint which the present deputy made to his English predecessor of great partialities in our then judicatures; and we as well remember, that it was desired he would assign one instance to justify his complaint, and for his encouragement was openly assured, that the cause should be re-heard, the injured Irishmen relieved, and the offending judge and jury punished; but we could never hear of any one instance given to make good the complaint.

Do not multitudes of your own people rather wish the return of that English gover-

nor, than a continuance under the present deputy? Was not the kingdom improved under the one, and is it not sunk a moiety already of its intrinsic value under the other? Trade was then increased, improvements encouraged, justice equally administered; is it so now? The army was then well governed, the establishments paid eighteen months in twelve months time; is it so now? All the public debts cleared, the kingdom well satisfied, and near fifty thousand pounds left in the receiver's hands. Will your present deputy ever, think you, do the like; in a word, never was governor received with greater acclamation, never was the government discharged with greater satisfaction, and never was that government left with greater lamentation; will it be so now? As this is the first experiment which the crown of England ever made of Ireland's thriving under an Irish government, so it is hoped it may be the last; and it is our only wish, that it may not now prove to be too dearly bought. It is manifest, by the experience of former ages, that the Irish lived well and safe under the British government, and 'tis as manifest, that the British cannot live so under yours.

But you also further plead, that you are innocent, and most injuriously barred of any benefit by that plea, and that by the express words of the Explanatory Act.

1. You cannot but acknowledge, that in the times of usurpation, you had time without limitation to prove your innocence.

2. Such of you as did appear so, were all restored.

3. When constant good affection was thought too narrow, the qualifications for innocency so opened the door, that you got the whole province of Connaught and county of Clare from the then power.

4. On the late king's restoration in 1660, the clamour of innocency was again revived; and though the universal guilt of the Irish was then fully proved, and the just forfeiture of your lives and fortunes affirmed, as appears by the preface of the Act of Settlement afore-mentioned, yet a year's time more was allowed for trial of your innocence.

5. On passing the Explanation Bill in the House of Commons in Ireland, it was made appear, that your agents had inserted that bar, or clause against innocency in the Act of Explanation, on purpose to reproach the then expected settlement.

6. The commissioners for executing the Act of Settlement being prevailed with by your agents, to put the proof of your guilt upon us, and they severally refusing and undervaluing the evidence of the soldiery, both before and since 1649, as parties, by reason of the satisfaction confirmed to them by the acts, and rejecting the Irish as *participes criminis*, and the Irish having destroyed all the old British within their reach, there was little possibility to prove the guilt of the most rebellious; many who were proscribed by public proclamation, and large sums offered to any to bring in their heads, were by these restraints made innocent: The Marquis of Antrim, the only surviving general which the rebels had in Ulster, was openly declared innocent; and the then Duke of Ormond being so declared the same day, was heard to say, that that judgment was certainly erroneous; for that they heading two different parties, and fighting with each other, on different authorities, could not possibly be both innocent; the lords Taaff, Preston, Muskerry, and Castlehaven, being the only surviving generals in the other provinces of that kingdom, were so far from esteeming themselves obnoxious for what they did in that rebellion, that they not only procured a restoration to their former proprieties by the Acts of Settlements, but had large donatives of forfeited lands confirmed to them by that law; and three of them the addition of new honours conferred on them, to make them the more signally meritorious, and were raised to that elevation of confident merit, that they and others, most active in that rebellion, petitioned the government here to have their arrears stated, for the good services they did his majesty in that rebellion: So that by the aforesaid restraints given by the commissioners, and by the powerful interest of the aforesaid generals, and their clergy, few or none were made nocents, but such as wanted either friends or money

to make them innocent: But when the guilty claimant found, that it was easier buying an inconsiderable part of his estate from the soldier or adventurer, than to run the risque of the whole by the expensive methods of that court, they would usually purchase that small proportion, and limit their claims to the purchased part, and to that no opposition being given, they were declared innocent of course, and being thus declared, they would soon after get their whole estate by due course of law, though this cheat is expressly mentioned in the Act of Explanation; yet there may the reader find the decrees under the name or title of decrees, *quo ad hoc*, made good by that law, as illegal as were their whole collusive decrees, passed after the 2d of July, 1663, the British well knowing that was the time limited by law for their adjudication; and the British preparing little or no opposition against the worst of the claimants, innocents were made as fast as their claims were read, and the work was so sweet and pleasant to the commissioners, that they continued making innocents until the 22d of August following, fifty-one days after the time by law limited was expired; and in these fifty-one days made more innocents than they had done before, and that the benefit (deserves a worse name) might be equally divided, the commissioners agreed, that each commissioner, in his turn, prepare his list of claimants for that day's work; only the last day, viz. 22d of August, there were upwards of seventy claims posted up to be heard; and their clerk having not time to read half the claims, and he making that day as many innocents as the court, was reported to share half the benefit of that day's work.

Yet as illegal, corrupt, and horrid, as these decrees were, they must, and that by a British parliament, be confirmed, and one-third of what was left the British retrenched, or not one foot could be confirmed to the British by that law, as appears to any that reads but that act of explanation: These were fine innocents! These and their nocents are like to make fair sheriffs, judges, and juries, of such estates as are secured, or left the British by that law.

And as the Irish had these encouragements in times of peace, so on enquiry it will be found, that they had as many or more in times of war, which (as appears) was begun not only with the highest approbation and encouragement of their own clergy, but had the united concurrence, benedictions, and masses of most of the Romish clergy in Europe for their good success. Urban VIII. the then pope, thought it not enough to send his nuntio to be president of their councils, and to act as general over their armies, but with him sent his bull, bearing date the 17th of May, 1642, six months after the beginning of the said rebellion, when above one hundred thousand innocent British had been inhumanly butchered by the Irish, and they at that instant murdering more as fast as they could; yet in the said bull, his holiness was pleased to call these perfidious horrid Irish murderers, faithful Christians, godly warriors, their rebellion a godly undertaking to relieve their country, and their poor massacred and murdered British protestants, heretics and workers of iniquity; and by the said bull, gives further encouragement to the said Irish to confess to any secular or regular priest approved by the ordinary of the place, who, on hearing their said confessions, was impowered to give them absolutions from all their sins, how great or heinous soever they were.

In imitation of this holy example, given by his holiness himself, it is notoriously known, that no penance was more usually imposed by their bigotted clergy, on the vilest offenders, than the murdering of innocent protestants, under the name of heretics; and that before they would give absolution, would frequently advance monies, and promise their saying several masses for their good success.

And to conclude; at the writing hereof, there is such intelligence here obtained, which gives more than a probable assurance, the same spirit is now at work: and some of the said clergy have actually employed profligate villains to murder such protestants, as are in prospect, under God, most likely to preserve the reformed religion in this part of the world.

Are these the doctrines or practices of Christians? Or are they not rather the doctrines of the devil, who was a murderer from the beginning? Well might the heathen cry, *Sit anima mea cum philosophis*; and as well may the Christian say, *Nostrum non est evangelium, aut hi sunt Anti-christi potius quam Christi pontifices et sacerdotes.*

A List of the Nobility of Ireland, in 1688.

Protestants.

Duke of Ormond.

Earls.

Kildare.
Thomond.
Cork.
Desmond.
Barrymore.
Meath.
Ossory.
Roscommon.
Londonderry.
Donnegal.
Arran.
Conaway.
Carberry.
Ardglass.
Rannalagh.
Cavan.
Inchiquin.
Clancarty.
Orrery.
Mountrath.
Drogheda.
Waterford.
Mount-Alexander.
Down.
Longford.

Papists.

Marquis of Antrim.

Earls.

Clanrickard.
Castlehaven,
Westmeath.

Protestants.

Fingall.
Castlemain.
Carlingford.
Tyrone
Tyrconnel.

Protestant Viscounts.

Grandison.
Wilmot.
Loftus,
Swords.
Kilmurry.
Castleton.
Chamworth.
Sligo.
Waterford.
Strangford.
Tuam.
Cashell.
Carelow.
Cullen.
Shannon.
Dromoor.
Mazarien.
Kells.
Dungannon.
Fitzharding.
Clare,
Charlemount.
Powers.
Blessingtown.
Ross.
Lisburn

Papist Viscounts.

Rathcoole.

Papists.

Bareford.
Bronkart.
Galmoy.
Kingsland.
Mayo.
Killmaslock

Protestant Barons.

Kinsale.
Kerry.
Hoath.
Mountjoy.
Foliot.
Maynard.
Gorges.
Digby.
Lifford.
Herbert.
Loghlin.
Coleraine.
Leitrim.
Donmore.
Killard.
Kingston.
Colooney.
Santry.
Clawnally.
Altram.
Bishops 24.

Barons Papists

Athenry.
Cahir.
Baltimore.
Strabane.

A true List of the French Fleet for the Year 1692, *commanded by the Count de Tourville, consisting of two Squadrons, the Blue and the White, with the Number of Men and Guns. From the Copy printed at Paris, by the French King's Order. Licenced and entered according to Order.*

It was now the moment of impending invasion, and Dalrymple gives the following account of the preparations made by France, England, and Holland, for the approaching contest. This passage serves to illustrate this and the following List of the Fleets on either side.

" In the beginning of January" the French " began to equip one fleet at Toulon and another at Brest, with several ships at Rochefort and Port Louis; and sent dispatches to all the other vessels of war within reach, to repair to the same ports. It was intended that this whole force when joined should amount to 75 ships of the line . . . . . With equal grandeur, preparations were made in England and Holland to oppose the invasion. The first symptom of alarm in England appeared in the beginning of February, when a proclamation, surprising to freemen, was published, which ordered all the seamen of the nation to offer themselves to be inlisted, with threats of punishment if they did not. Immediately after advice-boats were dispatched to all the scattered squadrons which were within reach, to repair home for the defence of their country; and others were stationed to cruize off the enemy's ports, and mark every motion they made. All the ships at home were equipped or repaired. Five new ones of the largest size were built, and with so much dispatch, that one of them of 106 guns went to sea the tenth day after she was launched. Alarmed with the danger which threatened England, different Dutch squadrons were hastily got ready at Amsterdam, in the Maese, in North Holland, and in Zealand. The command of both navies was committed to Admiral Russel."—DALRYMPLE, III. 228, 230.

Avant Garde commandée par Monsieur de Chasteau Renaut.

The Avant Guard commanded by Monsieur de Chasteau Renaut.

Noms des Capitaines.	*Ships Names French.*	*Ships Names English.*	*Guns*	*Men.*
M. Che. Château Renaut	Le Formidable	The Formidable	94	650
M. le Comte de Relingue	Le Foudroyant	The Thunderer	84	600
M. le Chev. d'Anfreville	Le St Philippe	The St Philip	84	550
M. de Coetlogon	Le Magnificque	The Magnificent	76	550
M. Gabaret	L' Orgueilleux	The Proud	90	650
M. du Maignon	Le Conquerant	The Conquerant	84	550
M. d' Alteloire	Le Fier	The Fierce	76	490
M. le Ch. de Belle Fountaine	Le Belliqueux	The Warrior	76	490
M. du Septe Ville	Le Terrible	The Terrible	76	490
M. de Bellile Ecard	Le Florissant	The Flourisher	84	490
M. de Septemes	Le Tormant	The Torment	76	490
M. Manchot d'Ablemont	Le Triumphant	The Triumph	76	490
M. le Che. de Monbron	Le Couronne	The Crown	76	490
M. Daligre	Le Pompeux	The Pompous	74	450

Noms des Capitaines.	*Ships Names French.*	*Ships Names English.*	*Guns*	*Men.*
M. le Chev. d' Anfreville	Le Gaillard	The Gay	68	400
M. le Chev. de S. Maure	Le Contant	The Content	64	380
M. Ch. de Châteaumorant	Le Glorieux	The Glorious	64	380
M. le Marquis Deblenac	Le Serieux	The Serious	64	380
M. Demericourt	L'Ecneil	The Shelf	64	380
M. le Chevalier Descombes	Le Brillant	The Glistering	68	370
M. de Socquigny	Le Furieux	The Furious	60	350
M. Che. de la Rougere	Le Fort	The Strong	60	350
M. le Che. de Vilars	St Michael	The St Michael	60	350
M. le Che. d'Arbouville	L'Agreable	The Agreeable	60	350
M. le Che. de Fecquieres	Le Diamant	The Diamond	60	350
M. de Sevigny	L'Entreprenant	The Undertaker	58	350
	8 Brulots	8 Fire-Ships		300

Escadre Blanche Corps de Bataille.

The White Squadron, the Line of Battle.

Noms des Capitaines.	*Ships Names French.*	*Ships Names English.*	*Guns*	*Men.*
M. de Tourville admiral	Le Soleil Royal	The Royal Sun	106	900
M. Forant	Le Daufin Royal	The R. Dauphin	100	750
M. de Nemond	Le Monarque	The Monarch	90	650
M. Panetir	Le Grand	Le Grand	86	630
M. le Mar. de Langeron	Le Souverain	The Sovereign	84	560
M. d'Amblemont	Le Victorieux	The Victorious	92	700
M. le Mar. de la Porte	Le Fulminant	The Thunderer	96	550
M. le Mar. de la Villette	L'Ambitieux	The Ambitious	96	550
M. le Mar. de S. Hermine	L'Intrepide	The Undaunted	84	530
M. de la Galisonniere	Le S. Esprit	The Holy Ghost	74	450
M. Descombes	L'Illustre	The Illustrious	70	450
M. de Reales	L'Aymiablé	The Amiable	68	420
M. de la Rochealar	Le Henry	The Henry	64	400
M. de Colbert St Marc	De Courtisan	The Courtisan	64	380
M. de Perrinet	Le Bourbon	The Bourbon	64	380
M. du Quesne Guidon	La Siraine	The Mermaid	60	380
M. le Che. de la Luzeone	Le Courageux	The Courageous	58	350
M. le Che. de Chateaureneau	L'Assure	The Confident	60	350
M. le Mar. de Rouvroy	L'Apollon	The Apollo	60	350
M. de la Roche Parcin	Le S. Louis	The St Lewis	60	350
M. du Rivant Huet	L'Excellent	The Excellent	60	350
M. de la Vigerie	L'Arrogant	The Arrogant	60	350
M. de Bagneux	Le Prince	The Prince	60	330
M. Omougon	Le Fleuron	The Blossom	58	330
M. le Che. du Palais	Le Temeraire	The Rash	54	330
	8 Brulots	8 Fire-Ships		300

Arrier Garde Commandée par Monsieur d'Anfreville.

The Rear Guard commanded by Monsieur d'Anfreville.

Noms des Capitaines.	*Ships Names French.*	*Ships Names English.*	*Guns*	*Men.*
M. le Mar. d'Anfreville	Le Merveilleux	The Marvellous	94	650
M. de Beaujeu	L'Admirable	The Admirable	90	650
M. du Hoselart	Le Vainqueur	The Conqueror	84	500
M. le Che. du Chalais	Le Brave	The Brave	60	350
M. de Serville	Le Sans Pareil	The None-such	60	350
M. de Champigny	Le Juste	The Just	64	350
M. Dericourt	L'Entendu	The Skilful	60	350
M. le Che. de Sangere	Le Maure	The Moor	52	300
M. de Very	Le Moderé	The Moderate	52	300
M. le Che. de Pourbin	La Perle	The Pearl	56	300
M. le Che. de Rougemont	L'Heureux retour	The Happy Return	52	300
M. Debellaire	Le Fidele	The Faithful	48	280
	Le Fendant aux Illes	The Tearer of the Isles	54	330
	Le Trident aux Illes	The Trident to the Isles	52	300
	Le Francois	The Frenchman	52	280
	Le Prompt	The Ready		400
	Le Comte	The Count		200
	L'Alcion	The Halcion		200
	Le Tygre	The Tyger		150
	Le Jeu	The Game		150
	Le Neptune	The Neptune		280
	L'Hercule	The Hercules		130
	8 Brulots	8 Fire-Ships		300
	Vingt-six frigattes	26 Frigates		2650
	Vingt-six flusts	26 Pinks		1040
	Quatorze Barques Longues	14 Long Boats		800
	Faisant le tout ensemble quatre vingt dix sept vaisseaux avec les brûlots	Making in all 97 ships with the fire-ships		
	En hommes 40299 sans comprendre messieurs les officiers	In men without reckoning the officers		40299
	En canons des vaisseaux de ligue	Guns in the ships	5019	
	En canon des brûlots	Guns in the fire-ships	162	
	En canon des barques longes	Guns in the long boats	240	
	Toute l'armée est composée de 163 voiles, non compris les traversieres	The whole fleet consists of 163 ships, not including those that have sails and oars.		

An exact List of their Majesties and the Dutch Fleet, designed for the Year 1692.

For the Line of Battle.

The English to lead with the larboard, the Dutch with their starboard, tacks on board.

THE BLUE SQUADRON.

Fireships and Frigates.	R.	*Ships.*	*Commanders*	*Seamen.*	*Guns.*	*Divisions.*
	2	Albemarle	Sir Francis Wheeler,	660	90	
	3	Resolution,	Good,	420	70	
	3	Monk,	Hoskins,	340	60	Vice-Admiral
	3	Expedition,	Dover,	460	70	the honourable
	4	Chatham,	Leader,	280	50	George Rook,
Half- Moon.	2	Windsor-Castle,	Lord Danby,	660	90	Esquire.
Owners love.	2	Neptune,	Gardner,	680	96	1693.
Cadiz-merchant.	3	Royal-Oak,	Bing,	470	74	Lord Berkely.
Lightning.	4	Advice,	Viccars,	230	50	
	3	Northumberland,	Cotten,	460	70	
	3	Lion,	Wiseman.	340	60	
	3	Berwick,	Martin,	460	70	
	3	Defiance,	Gurney,	400	70	
	3	Montague,	Folks,	355	60	
Speed-well.	3	Marsprit,	Grantham,	400	70	
Griffin.	4	Adventure,	Dilks,	200	50	Admiral.
Etna.	2	Vantguard,	Mason,	660	90	Sir John Ashby.
Blaze.	1	Victory,	Stanley,	780	100	
	2	Duchess,	Clements,	660	90	
	3	Monmouth,	Robinson,	460	70	
	3	Edgar,	Tapley,	445	70	
	3	Sterling-Castle,	Walters,	460	70	
	3	Dreadnought,	Cole,	365	60	
	4	Crown,	Warren,	230	50	
Thomas and Eliz.	3	Suffolk,	Billop,	460	70	
Vesuvius.	4	Woolwich,	Minns,	280	54	
Hunter.	2	Ossery,	Terril,	660	90	
	2	Duke,	Wright,	675	90	Rear-Admiral
	3	Cornwall,	Boyce,		80	the honourable
	3	Essex,	Bridges,	460	70	Richard Carter,
	4	Deptford,	Kerr,	280	50	Esq.
	3	Hope,	Robinson,	460	70	

THE RED SQUADRON.

Fireships and Frigates.	R.	*Ships.*	*Commanders.*	*Seamen.*	*Guns.*	*Divisions.*
	3	Plymouth,	Maine,	340	60	
	4	Ruby,	Meese,	230	50	
Phæton.	3	Cambridge,	Lestock,	420	70	Rear-Admiral
Fox.	4	Oxford.	Wisheart,	280	50	Sir Cloudsly
Strumbolo.	2	Sandwich,	Hastings,	660	90	Shovel.
Hopewell.	1	Royal William,	Jennings,	780	100	
	3	Breda,	Lambart,		80	
	3	Kent,	Nevel,	460	70	
	4	St Albans,	Fitz-Patrick,	280	50	
	3	Swift-sure,	Clarck,	420	70	
	3	Hampton-court,	Greydon,	460	70	
	3	Grafton.	Bokenham,	460	70	
	3	Restauration,	Gother,	460	70	
	4	Greenwich,	Edwards,	280	50	Admiral,
Flame.	1	London,	Aylmer,	730	100	The right ho-
Roe-buck.	1	Britannia,	Mitchell,	780	100	nourable Ed-
Vulture.	1	St Andrew,	Churchhill,	730	100	ward Russel,
Spy.	4	Chester,	Gillam,	280	50	Esq.
	3	Eagle,	Leake,	460	70	
	3	Rupert,	Beaumont,	400	60	
	3	Elizabeth,	Fairborn,	460	70	
						1693.
	3	Burford,	Havloe,	460	70	Killigrew,
	4	Centurion,	Wyvel,	280	50	De la Val
	3	Captain,	Jones,	460	70	Shovel.
Extravagant.	6	Devonshire,	Horton,		80	Vice-Admiral,
Wolf.	1	Royal Sovereign,	Jaunders,	815	100	Sir Ralph de la
Vulcan.	2	Royal Catherine,	Cornwall,	540	90	Val.
Hound.	4	Bonadventure,	Hubbord,	230	50	1693.
	3	York,	Deane,	340	60	Sir G. Rook.
	3	Lenox,	Munden,	460	70	
	2	St Michael,	Hopson,	600	90	

THE DUTCH SQUADRON.

Fireships and Frigates.	*Ships.*	*Seamen.*	*Guns.*	*Divisions.*	*Squadron.*
	2 Northolland,	350	68		
Fregatten.	1 Zeeland,	500	90		
	3 Zercksee	325	60		
	4 Tergoes,	225	54	Schout by	
Branders.	3 Gelderland, R	325	64	Nacht.	White.
	3 Vere,	325	62		
	1 Koning Willam,	525	92		
	2 Ereste Edele,	400	74		
	4 Medenblick,	210	50		
	1 Brandenburgh	500	92		
	2 Munnickendam,	375	72		

Fireships and Frigates.		*R. Ships.*	*Seamen.*	*Guns.*	*Divisions.*	*Squadron.*
		4 Gaesterland, - -	210	50		
		2 Gelderland A, - -	375	72		
Edam.	40	1 West-friesland, -	475	84		
Raedthus.	38	3 Zeeland A, - -	325	64		
Branders.		3 Haerlem, - -	325	64		
d'Gebroaders.		4 Ripperda, - -	210	50	Admiral Alle-	
Etna.		2 Stot Muyden, -	375	72	monde.	
Stumboly.		1 Prins, - - -	540	92		
Vesuvius.		2 Etswout, - -	375	72		
		4 Schattershoff, -	210	50		
		3 Leyden, - -	325	64		
		1 Princes, - -	500	92		White.
		3 Amsterdam, - -	325	64		
		4 Stadtenlandt, -	210	52		
Fregatten.		2 Prins Casimir, -	370	70		
		2 Frisia, - -	370	70	Vice-Admiral.	
		1 Baschamer, - -	475	84		
		4 Hoorn, - -	210	50		
Branders.		5 Veluw, - -	335	64		
Fenix.		1 Casteel Medenblick, -	500	86		
Wynbergh.		2 Riddershap, - -	375	72		
		4 Delft, - - -	250	54		
		3 Maegt van Dort, -	325	64		
		1 Captain General, -	500	84		
		2 De 7 Provintien, -	400	76		

The English fleet consists of

	Ships.	*Seamen.*	*Cannons.*	
		63	27725	4500
The Dutch fleet consists of				
		36	12950	2494
	In all	99	40675	6994

Anno 1693.

English	46	22680	3498
Dutch	29	10886	2077
In all	75	33566	5578

Sir George Rook, Vice-Admiral of the Red, commanded a separate squadron in the Streights, which made our number less in the year 1693, *than it was in the year* 1692.

Remarks upon the London Gazette, relating to the Streights Fleet, and the Battle of Landen in Flanders.

The battle of Landen was fought with King William's uniform valour and perseverance, but with the ill fortune which usually attended his pitched fields on the continent. "The king," says Smollett, "made prodigious efforts of courage and activity to retrieve the fortunes of the day. He was present in all parts of the battle; he charged in person both on horseback and on foot where the danger was most imminent. His peruke, the sleeve of his coat, and the knot of his scarf, were penetrated by three different musket-bullets; and he saw a great number of soldiers fall on every side of him. The enemy bore witness to his extraordinary valour. The prince of Conti, in a letter to his princess, which was intercepted, declared, that he saw the Prince of Orange exposing himself to the greatest dangers; and that such valour richly deserved the peaceable possession of the crown he wore. Yet here, as in every other battle he fought, his conduct and disposition were severely censured. Luxembourg having observed the nature of his disposition immediately before the engagement, is said to have exclaimed, 'Now I believe Waldeck is really dead;' alluding to that general's known sagacity in choosing ground for an encampment. Be that as it will, he paid dear for his victory. His loss in officers and men exceeded that of the allies; and he reaped no solid advantage from the battle. He remained fifteen days inactive at Waren, while King William, recalling the Duke of Wirtemberg, and drafting troops from Liege and other garrisons, was in a few days able to hazard another engagement."—Smollett's *History of England, London,* 1800, I. 198.

The penner of this intelligence has, for some time, written with such an unusual range of fancy, as if his design was rather to entertain and amuse, than inform his reader. To do him justice, he seems to be not only a master of style, but of the matter he treats about; for he makes no difficulty to conceal, displace, and perplex things at discretion: so that an ordinary observer must be oftentimes at a loss to know how the world goes. His peculiar talent is to lessen a disadvantage, and make it invisible. It may be, he appears with this sanguine air, because he is unwilling to put us to pain with unacceptable truths. But how much soever he may be commended for his temper, it would in all likelihood be better for us, if we were plainly dealt with. To skin over a wound before it has been sufficiently probed and laid open, is the way to mortify the part, and often kills instead of curing. When a man's fortune is sinking, he should be made sensible of his condition; that if he despairs of stopping the leak, he may quit the bottom. The English and confederates have lately received two blows at sea and in Flanders, which, it is feared, will take some time to recover. These the Gazetteer runs over so lightly, and describes with such a handsome neglect, as if the loss, if any, was inconsiderable.

That he does not deal clearly with us in this case, I shall endeavour to shew, by bringing the fore-mentioned accidents under a short review. And here it may not be improper to acquaint the reader, that I intend to keep within the verge of the confederacy, and to bring no evidence against the Gazetteer, but what is either drawn from

himself, or from some other authority, which he is equally obliged to acknowledge; and if I mention any French proof, it shall be when it agrees with his own.

I shall begin with the loss of the Streights fleet; and here I shall,

1st, Very briefly shew the Gazetteer's account of this accident to be perplexed, and disagreeing with itself.

2dly, That it is imperfect, and far short of matter of fact.

1. His account is dark and inconsistent. His business here is to let us know the fortune of the English. Now, had he been disposed to inform us of what had passed, he would (after the list of those which escaped with the admiral) have immediately mentioned the others which gained the ports of Spain, and distinguished the English from the rest. This account had been easy and intelligible. But his design, it seems, was not to be understood. To this purpose he gives you the number of those with Admiral Rooke: Then tells you how many were missing; and, at last, sets down those which were got into Cadiz and St Lucar, and intermixeth them with Dutch, Danes, &c. and with part of his latter list: And by this confused relation, he has conveyed himself out of sight. But, upon enquiry, I believe it will appear, he has lost himself, as well as his reader.

Let us compare his list from the Gazette, July 17th.

His first list contains those English merchant-ships which were with Admiral Rooke. The number of these is sixteen, beginning with the George, and ending with the Fidelity. His second list consists of those English merchantmen which were missing; this begins with the Chandois, and ends with the Mary Flower; and in all makes twenty-four ships.

His third account is of those ships which escaped into Cadiz and St Lucar; which, though it does not reach the number of what was missing, yet it brings in nine English, seven in Cadiz, and two in St Lucar, which were unmentioned in the former lists. Their names are,

The Johanna and Anne, the Success, commanded by Isaac Stoneham, and therefore different from the Success in the missing list, whose master was David Bishop.

The Sarah and Elizabeth, the Sarah, Marmaduke Raydon; the Sarah, commanded by Lawson; the John, commanded by Ware; the Tetuan Merchant; Captain Cooper, his ship not named; the Malaga Factor, Captain Newland; and therefore different from that ship of the same name in his second list, which was commanded by Richard Love. Now, where a man pretends to be particular in naming the ships which were safe, and those which are missing, one would think, the joining these two numbers should comprehend the whole fleet: But besides that, he is far short in the sum total, as will appear by and by. There is an unusual accident happened to the computation; for he has brought in nine merchantmen, seven to Cadiz, and two to St Lucar, which were unmentioned in the former lists: So that, by his account, we have nine sail, which were neither safe nor missing, neither in the enemies hands, nor in their own, which I confess is something extraordinary.

I am now, in the second place, to prove his account far short of matter of fact.

We must go back to his former lists. The number with Admiral Rooke is sixteen, the list of those missing is twenty-four; so that it seems the whole fleet of English merchantmen bound (as himself tells us, Gaz. July 17,) to Smyrna, Scanderoon, Messina, Galipoli, Alicant, Cadiz, St Lucar, Venice, Tunis, Malaga, and Leghorn, consisted but of forty sail. But this is a great mistake, for it is granted by all the merchants of London (and by many of them too much felt) that the English, when they fell in with the French at Lagos-Bay, were about eighty sail of merchantmen.

This number the Gazetteer ventures to abridge to forty, to conceal the loss of the rest. And here we may observe, that the fleet bound to Smyrna consisted of eight Dutch and eleven English; the Dutch were all taken and destroyed, at Lagos; and

two of the English were then destroyed, and four since at Gibraltar, making above two-thirds of the value of the eleven; the Sussex, worth above 50,000l. was likewise burnt at Lagos. The Gazetteer owns the misfortune at Gibraltar, (and that at Malaga) but as for the rest, he knows not of one Englishman taken, except the Friendship, a small vessel of about seventy tons. (Gaz. July 17.) This relation he afterwards repeats with more assurance. "Of the English," says he, "there is not one ship taken, either man of war, or merchantman, except a small vessel called the Friendship." (Gaz. Aug. 3.) Now, by this account, one would imagine all was well; but if we observe him a little closer, we shall find he is not so hardy as to affirm, that none of the English were burnt or sunk at Lagos-Bay. This he durst not say. Now, if they are destroyed this way, they are as much lost as if they were taken, though not with the same advantage to the enemy: But the Gazetteer hoped to conceal the matter, by saying they were not taken. And since the Confederacy is deeply concerned in this misfortune, I shall just mention the whole from the Dutch prints. The Recueil, Aug. 6, informs us, that the French took two Dutch men of war, one of 66, the other of 68 guns, and burnt a rich pinnace, and an English man of war of 56 guns. Besides these, the French took 25 merchantmen, and burnt 45, which in all make 74. All this was done at the Bay of Lagos. The same intelligence (Recueil, Aug. 13,) continues the narration of this misfortune, and says, that the Sieur Coetlogon burnt four English Smyrna ships, and one Dutchman at Gibraltar, and took seven; that Count d'Estree took four, and burnt some; so that here are sixteen more lost, which, added to the former number of seventy-four, makes ninety, besides those burnt by Count d'Estree. And if the ships destroyed at Malaga are not included, the misfortune rises still higher.

Having shewn what an untoward account the Gazetteer has given of the Streights fleet, I shall now proceed to the late great battle in Flanders. Here, if we enquire of the Gazette, July 27, we shall find that the enemy was beaten back in all their attempts, and the advantage on the confederate side, till four in the afternoon.

This account is contradicted by a paper, published by authority, and called, "A Relation of the Battle at Landen.

For here we are told, "that though the enemy had been beaten at the left, they had nevertheless kept a part of the village of Winden, and made themselves masters of the hedges of the rising ground, which laid the flank of our entrenchment open to them, &c." Now this is a flat contradiction to the Gazette. For, if the French kept part of the village of Winden, and continued possessed of a considerable post, through which they broke into the confederate army, and forced them to quit their camp, as this Relation affirms, then it is plain they were not beaten back in all their attempts, as the Gazette pretends. So that we have two relations, both published by order of the court, directly clashing in their narrative: Now, he that can swallow contradictions, and believe an evidence who convicts himself, may be a good-natured man, but I am sure can be no wise one.

Farther, Gazette, Aug. 3d, tells us, that when the left wing went off, which stood after the right was routed; this left, says the Gazette, retreated towards Lewe, without being attacked by the French; who had already suffered so much, that they were willing to part with us. This story is not only incredible in itself, but plainly contradicted by the relation of the battle, &c. which was printed but a day or two before this Gazette, and about a week after the first news of the battle; so that there was time enough for a full information. This print makes no scruple to say, "that when the left wing were ordered to retire to Lewe, the enemy, whose horse were drawn up in two lines upon the rising ground, adventured to attack them in their retreat." Now, what is to be done in this case? here are two Whitehall papers, both of them positive and peremptory in their stories, and yet fall foul upon each other. The Relation, &c. frankly owns, that the confederates were attacked in their retreat: The Gazetteer (I

suppose) finding this relation grated a little upon the people's stomachs, tells us very roundly, that the French were willing to part with the confederates, and let them retire without disturbance. Thus, to please the people, the Gazetteer ventures upon a desperate expedient. For by contradicting a paper, which stands upon the same authority with his own, he sinks the credit of the court, and brings a suspicion upon that he writes himself. Well! when two witnesses disagree in their evidence, we are sure one of them must be in the wrong; and that the Gazetteer is out, will plainly appear, if we consider, that when the same party gives a different account of any disadvantage, we may be assured that relation which makes the misfortune greatest has most of truth in it. For, as a man who trades upon reputation, will not magnify his losses beyond reality, for fear of being blown up, so a state-faction, which is sunk in its proper strength, and lives only upon art, will be sure not to make things worse than they are. So that, if at any time their memories happen to fail them, or they presume upon the easiness of the reader, or the greatness of a misfortune makes them drop a secret, and disorders them into contradictions, we are then to believe that part of the account which is least favourable to the reporters; for no man in his wits will tell an untruth to his disadvantage. To apply this remark, we may conclude the Gazetteer a misrepresenter, and that the confederates were pursued, as the Relation of the Battle, &c. affirms; and that the relater gives us the truth, though not the whole truth, will appear farther, if we observe,

2. The condition of both armies, when the confederates were said to be pursued. How things went, I shall describe from the London Gazette, and Relation of, &c. above mentioned, which may be both drawn up by the same hand for ought I know. 'Tis certain they both came from Whitehall, and pass the nation for intelligence of equal authority. The Gazette tells us in these words: "That the French broke into us (*i. e.* our camp) at the head of our retrenchment, which our men were no longer able to maintain: That the enemies numbers prevailed: That upon this occasion we were forced to remove, and change the form of our lines of horse, who were thereby put into disorder. The English horse and guards were sent for from the left, but before they came up, the enemy had poured in so many squadrons, that they had neither time nor ground to put themselves into regular lines. At length, when it was found impossible to remedy this disorder, and the enemy advancing with fresh forces, the foot of our left, as also the dragoons, &c. were ordered to retire towards Lewe: The rest of the army retreated towards Tirlemont." Thus far the Gazette, the Relation, &c. give much the same account, only somewhat plainer; particularly, it tells us, that the French cavalry forced the Hanover, Brandenburgh, and Spanish troops to retire; that is, they beat them. That to remedy this disorder, part of the left-wing was ordered to advance, but before they could form themselves, the Dutch horse retired, and the right-wing were forced to pass the river, and the English were quite encompassed. And then it follows, that the left-wing were ordered to retire to Lewe, and that the general himself passed the bridge at Neer-Haspen with great difficulty.

And when matters were come to this pass, when the French had fought up to the mouth of the confederate cannon, forced their retrenchments, and broke into a fortified camp: When they were superior in number, order, and success, and had surmounted all the difficulties of the enterprize: When the Hanover, Brandenburgh, Spanish, and Dutch troops were beaten: When the last reserve of English had neither time nor ground to draw up in, but were encompassed by the enemy: In fine, when all the nations were broken and routed, the right-wing forced to fly through a river, and the left ordered to shift for themselves: When affairs were in this posture, does any person of common sense imagine that the French would not push the advantage, and pursue the confederates? Were they too generous to set upon an enemy, who was in no condition to resist? Had they no inclination to revenge the loss of their friends?

Were they afraid of making the victory too absolute, and of over-loading themselves with glory and spoil? Few men, one would think, would impose such stuff as this upon the belief of the nation. 'Tis true, the Gazette was hard set; for all the publick accounts owned, that the French forced the camp at four in the afternoon, and that the confederates were broken and ruined from that time. The Gazetteer was aware, that allowing a conquering army four hours of day to trample and slaughter in, must needs give the people a horrid notion of the defeat. And therefore, to prevent the impression of truth, he denies what had been publickly owned before, contradicts the paper published by authority, and that with such wretched incredible reasons, as cannot be put upon men without the greatest affront to their understandings.

I shall go on with the Gazette to compute the loss of the battle, which may be reduced to two heads, the men, and the baggage and cannon.

1. With respect to the men.

The first Gazette of July 27, says, 'tis certain, they have lost double the number of men we have. The Gazette of August 3 is still more hardy, and tells us, that 'tis certain, that our loss is not so great as that at Steinkirk; and that the French, according to their own account, had lost more than double the number. One would think by this relation, the French had printed an account of their loss; but upon enquiry we shall find no such matter: For this very Gazette has the ill luck to tell us, in the Paris article of August 2d, that the list of the killed and wounded is not yet made public.

What does the Gazetteer mean then by their own account? Why, he will inform you in another part of his works.

The Gazette, July 31st, is clear in the point. For there a nameless captain, who came express about his own business, who neither saw the fight himself, nor pretends to be informed by any who did; there this gentleman affirms, that the relation that was printed at Lisle (in Flanders) the Sunday after the fight, owns they have lost 16,000 men.

Very well! I'm afraid this relation will miscarry for want of a little geography; for the battle being fought on the 29th July, N. S. the Sunday after falls upon the 2d of August. At which very day the London Gazetteer has the misfortune to tell us, that then there was no list of the killed or wounded published at Paris.

And can we imagine there should be a list printed at Lisle, when there was none at Paris? Durst any subject in Flanders publish an account of so great a battle without authority, and instructions from the court of France? Does any government, much less the French, allow so wild a liberty as this? And as for the French king's leave, it could not be sent at the time the captain pretends. For the London Gazette, August 31st, says, that M. d'Artagnan arrived at Paris upon the 31st at night, N. S. with the news of the battle. By this account, the journey from the camp to Paris, which we may imagine was made with speed, cost the express two nights and two days, *i. e.* from Wednesday at night till Friday at night, for that was the 31st. Now, if the court had been at Paris, and a dispatch immediately sent to the governor of Lisle to publish the news, there would remain but one day and two summer's nights to perform the journey, and print the narrative; for from Friday at night to Sunday is no longer, which makes the story impossible. Thus far the London Gazette; but by that of Paris, Aug. 8th, we are assured that Mr d'Artagnon did not arrive at the French court, which was then at Marli, till August 1st, which, if there be any degrees in impossibilities, makes the relation still more incomprehensible. Besides, to what purpose was this romantic haste? To none that I know of, except to oblige the Lisle-men with a favour which it seems the Parisians were not vouchsafed, and to furnish out the Gazetteer's captain for his voyage to England. To proceed; the Gazette, July 31st, says, "We are assured, that our loss does not exceed 9 or 10,000 men, including the prisoners and wounded." The Relation of the Battle, &c. which came out a day or two after, seems

to have none of the Gazette's assurance, but tells us, that our forces being not yet all of them come together, we cannot give a certain account what loss we have had. The Gazette, August 3d, says the same thing, adding withal this remarkable passage; that 'tis certain, our loss is not so great as that at Steinkirk; which, according to the last year's Gazettes, did not amount to 3000 men. Gazette, August 4th, 1692. This is still more mystical; therefore we must try if we can inform ourselves otherways: Now, in order to satisfying this question, we must,

1. Know how strong the confederates were before the battle: How far they are, or expect to be reinforced, and to what number the army will amount after the reinforcement. These three things will give us a true state of the loss. Now the Gazette, August 3, confesses the army, when they fought, to be about 45,000; which expression ought rather to be interpreted above the letter than otherwise, it being the interest of the Gazetteer, after a defeat, to diminish the confederate forces. However, we will be so fair as to take him at his acknowledged number of 45,000.

The second thing to be enquired, is the number of the recruits, which we may learn from the Gazette of July 27, in these words: "Our army will be speedily reinforced with twenty-five battalions and forty squadrons, who are with the Duke of Wittenberg; besides which, there are thirty battalions at Liege." The Gazetteer must mean, that the battalions at Liege were to make part of the reinforcement, otherwise to what purpose were they mentioned? If this were not his meaning, he might as well have said, "Besides the reinforcement which we expect from the Duke of Wittenberg, there are thirty battalions in New Batavia in the East Indies;" which, though true, would be horribly impertinent. We may observe farther, that these forces the Gazette mentions at Liege were not long since detached thither, ten battalions being sent but eight days before the fight. (Relation of the Battle, &c.) 'Tis no wonder therefore, if they should be drawn back after so great an accident. And if this point were not sufficiently proved, Mr Dyckvelt's letter to the States-General would put it beyond dispute. This gentleman, who had a publick character in the Dutch army, gives his masters a short account of the action in a letter of July 30, which is inserted in the slip of August 4. At the end of the letter we have these words: "Our army will be very numerous in a short time; for besides twenty-five battalions and forty squadrons, with which the Duke of Wittenberg forced the lines, there are moreover thirty battalions at Liege."

Taking therefore these Liege battalions into the reinforcement, as we evidently must, let us see what it will amount to. There are twenty-five and thirty battalions, which make fifty-five. Now, reckoning 500 to a battalion, which is no extraordinary computation, and the number will be 27,500 men. Add to these the forty squadrons of horse at one hundred and fifty in a squadron, and the cavalry makes 6000, which, added to the former, mounts the reinforcements to 33,500. If you please, we will cut off 6,500 of this number, and state the recruits but at 27,000, and then the reckoning will be made upon a low foot. Having done this, let us see how numerous the confederates will be after the reinforcement. For satisfaction in this enquiry, I shall, as formerly, apply to the London Gazette. That of August 3 affirms, that the confederates, after the Duke of Wittenberg, &c. has joined them, will have an army of 50,000 men. Let us cast up the whole. The confederates were 45,000 before the fight: They have, and expect a reinforcement of 27,000, which, added to the other, makes 72,000. After which reinforcement they pretend no higher than 50,000 men. Now, if we substract fifty out of seventy-two, there remains twenty-two, which number contains the loss of the confederates. So that, even by the Gazetteer's reckoning, the battle has cost the confederates 22,000 men. This account agrees with several letters of good intelligence from Flanders, and with the Paris Gazette, which mentions the killed and

wounded to amount to above 20,000. To this the Recueil, a Dutch print, August 13, adds 1500 prisoners, of which 200 are officers of note.

I mention the Paris Gazette, because it concurs with our Gazetteer. Besides, this Gazette is a paper of reputation, and is more relied on, even in the confederacy itself, than that of London. To give one instance, we may remember the last summer, that the Paris Gazette gave us as fair an account of their loss at sea as we received at home from Admiral Russel's journal; as may be seen by comparing the two papers. Now, those who give a just relation of their misfortunes, cannot in reason be suspected of art, when they report any remarkable success. In such cases, there is scarce any temptation to restrain truth; for the naked representation of fact is a sufficient advantage. Indeed, great kings scorn to embase their publick intelligence with such incredible alloy. For in soft language, to deceive and misrepresent, to maim and murder truth, are mean and inglorious practices. I wonder any thing that pretends to be a government can stoop so low. But we gained so much by romancing in 88, that I'm afraid we shall never leave it. Then the French league, and the impostor-prince, and the handful of Irish, who, after they were routed and disbanded, were to massacre the whole nation, English and Dutch armies, and all: These, and a great many other bull-beggars worked beyond expectation in that *annus mirabilis*. But if they think to keep the people under the same vassalage of belief, and always ready to swallow the same absurdities, I hope they may be mistaken. To return to our Gazetteer; some of whose scattered sentences being tacked together, we see, make it evident that the confederates have lost above 20,000 men. However, the Gazetteer gives us to understand, that our loss is not so great as that at Steinkirk. Did we then in earnest lose 20,000 men at Steinkirk, and could we not find in our hearts to own above 3000? This is a discovery would never have come out, had it not been upon this occasion. In short, either our loss was greater at Steinkirk than in the late battle, or it was not; if it was, then we may perceive what an exact history we had of that action the last year; if it was not, then this summer's Gazette endeavours to impose very unfairly upon the nation. Now, though it is pretty plain, the London Gazettes did not give us much above a third part of the Steinkirk misfortune, yet it was, in reality, far short of the present accident: For I desire to know of the Gazetteer, whether more than one-third of the army was engaged at Steinkirk? Did the confederates then lose their cannon, and great part of their baggage? Was the general's plate taken at Steinkirk, and his tent left to the Duke of Luxemburg to write his letters in? Did the whole army go off routed, and broken into little bodies at Steinkirk? or did Mr Harcourt come in, and defeat several thousands in their retreat? But, after all, "'Tis certain the French have lost double the number we have," Gazette, Aug. 27. Pray how is this certain? Did we remain upon the field to count the slain? No, we were forced to retire. Have we mustered since the battle? We don't pretend to this neither, I suppose, because our forces are not all of them come together. (Relation of the Battle, &c.) Have we received an account from the French? That cannot be; for this Gazetteer, Aug. 3, tells you, they have published none; and the Paris Gazette says the same. How then are we certain? No doubt by instinct, as we are certain of every thing else. For I perceive the Gazetteer does not pretend to come by his knowledge the same way with other mortals. Most people, I believe, would be so far from thinking the Gazetteer's relation certain, that they would scarce imagine it possible. Indeed how should it? For the French were granted to be almost two to one. This gives them the advantage of fighting fresh men against those who were fatigued. Farther, they forced the camp, and had three or four almost unresisting hours to slaughter in; and, to complete the misfortune of the confederates, several thousands of them were set upon, and pursued into a river by a fresh enemy. (Recueil, Aug. 13.) I shall now,

In the second place, examine the Gazetteer's relation concerning the cannon and baggage, &c. and here the first Gaz. July 27, says nothing of the matter, which is a plain confession that all was lost, (and thus we must construe the Gazette in like cases). The Gazetteer was apprehensive of this inference; and therefore, in his next of July 31, he brings in his captain, who secures all into a trifle. And since he has put this captain upon the nation for an intelligencer, he must be answerable for him. Now this gentleman assures us, "That we have lost none of our great cannon, but only seven or eight field-pieces." I confess this looks so like a jest to all men who can distinguish between a cannon and a pistol, that I was some time before I could believe the Gazetteer would put it upon us. I could not at first imagine he would give his pass to such a ridiculous story to travel the nation: I was willing, for the credit of the Gazette, to suppose an error in the press; and that instead of We have *lost* none of our great cannon, &c. it should have been said, We have *saved* none of our great cannon, but seven or eight field-pieces. That this was the true reading, I thought I had reason to conclude, both from particular relations of this circumstance, and from the general issue of the battle. However, considering the Gazetteer's custom, I believe the print may be much more correct than the story. Let us examine which way the cannon could be saved, to bring the point to a short issue. If the artillery was saved, it must be sent off either before, in, or after the fight. That it was not sent away before the fight is unquestionable; for, would the confederates part with their cannon, when the French were in sight; when they expected an immediate attack, and designed to keep within their entrenchments? Would they unfortify their camp, and lay themselves open to the enemy? We may as well suppose they would send away their pikes and muskets, as their cannon, upon such an occasion. Farther, to suppose the artillery sent away during the fight, is as unaccountable as the former scheme: For, can we suppose they would part with their principal defence at the time they were using it? We may as well imagine they detached half their men, and chose to fight with the remainder: From hence it appears, that unless the cannon was saved in the retreat, we must give it for lost. Now, I appeal to any one of common sense, whether this was not impossible, when the defeat was so entire, and the flight made with such haste and precipitation? Could the horse lodge the artillery in their holsters, or did the foot run away with it under their arms, as St Dennis is said to carry off his head? I desire not to be misunderstood; I am far from being pleased with the misfortune of any party; I lament the loss of the English, and heartily wish we might have peace and justice, without the expence of an ounce of blood; but such a reporter as the Gazetteer cannot be too much exposed. To be short, the loss was so visible, that the Dutch, despairing to hide it, have frankly owned a great part of it in their Recueil of Aug. 10, where we are told, "That after the camp was forced, the French took sixty pieces of cannon, and cut off eight or ten English battalions, who were posted to guard it." And their next Recueil, Aug. 13, owns the losing of some mortars. It is now time to look after the baggage, if there is any. The Gazette, Aug. 31, assures us, "it was all saved, being sent away the day before the fight." Under favour, not all sent away; for, no doubt, they left ammunition to fight with; they left provision and their tent too, unless they intended never to eat, or lodge there more. Now, to put their men, after they were fatigued with fighting, and embarrassed with the wounded, upon a march of several miles for lodging and refreshment, is a strain of discipline somewhat extraordinary. I think the Gazetteer is too free with the confederates; for, as he represents the matter, they seemed to despair at the approach of the enemy, and resolved before hand to quit their camp. But to say this, is injustice to the confederates, who behaved themselves with bravery and resolution, and were far from making such an ignoble provision as the Gazetteer account supposes.

This relation, together with that of Count Tilly's taking the French baggage, sixty

pieces of cannon, &c. was so superlatively extravagant, that I thought it had been calculated only for the meridian of England, and that the Gazetteer would never have sent it beyond sea in his French translation; but upon enquiry, I find he has courage in all languages. I suppose he might present the allies with this narrative, by way of triumph, to shew to what degree we may be practised upon, and how far he is master of our understandings.

But if we are thus far out of our wits, he does unkindly to expose us in foreign countries, especially considering from what quarter the distemper began. Upon this occasion, it may not be improper to observe one surprising passage from the Relation of the Battle, &c. This relater does not stick to affirm, *That we have lost some standards, and taken as many.* Taken as many! That, considering the event of the day, seems very strange; pray let us hear the Holland prints in this matter, for the Dutch are both well planted for information, and, without doubt, inclined to do right to their allies and themselves; we have no reason therefore to suspect their testimony, to their own disadvantage. Now they (Recueil, Aug. 13,) are so candid as to acknowledge, that the confederates had taken but seven standards and colours, and lost above eighty. The whole is thus: In the beginning of the day, the confederates are said to have taken about twenty-six standards, &c. (which, though far short of the number possessed by the enemy) yet even these were all regained to the seven above-named. And after they were lost, to what purpose should they be mentioned? This was so mean an equivocation, that the Holland print was ashamed to use it. However, it is the only shelter to which the English relater can pretend; and thus we have taken as many standards as we lost. That the Dutch should have so much more modesty than we have! Into what declensions of honour and conscience are we fallen! Thus I have shewn what an excellent account of fact we are likely to receive from the London Intelligencers; I have shewn in what material points the Relation, &c. and the Gazetteer clash with each other, how the latter contradicts himself and the confederate prints abroad, how he turns defeats into a kind of victory, charges through impossibilities, and even exceeds the liberties of a romance. These are blessed memoirs to transcribe into history. Truth must be handed to posterity in a noble light at this rate, and the Chronicle obliged for ever. And if he treats us in this manner just at home, what discoveries may we not expect from more distant places. What admirable return of news we make from the East and West Indies, from Moscow and Constantinople? And can any Englishman see his country thus used without resentment? Is it not enough to have our ships burnt and taken to a prodigious value, to lose our trade by sea, and our armies by land, without being bantered into the bargain? To bear us down, that all these accidents are insignificant, is like cutting a man's throat, and then swearing to him he ails nothing! To imagine such wretched stories as these will pass muster, is to treat the nation with the utmost scorn and contempt, and, in effect, to proclaim them fools in print.

One would think the Gazetteer might have moved with a more moderate compass: Had he only flourished an advantage, and lessened a misfortune; had he called running away, retiring, and broken the loss, by the softness and distance of his style, this had not been surprising; such strokes of breeding and rhetorick are expected from him. Farther, had he published the gaining a penny, and concealed the loss of a pound: Had his expression been perplexed upon occasion, and his meaning mystical and two-handed; this freedom might have been, in some measure, charged upon the present service, and pleaded off by the privilege of an heathen oracle. But to make us believe we have no senses; to run a tilt at notorious fact, and attempt the extinguishing the sun, is too much in all conscience.

I thought this gentleman had finished the battle, by his intermitting Gazette of August 7th. But I perceive I am mistaken; for August 10, he invokes his muse

afresh, and runs a great length of poetry. I hope the key I have given to interpret his flights will make him better understood, and more admired for the future.

As for the other little newspapers, they are below notice; I shall therefore dismiss the argument.

August 1693.

A List of the Seven Thousand Men, appointed by his Majesty, in his late Proclamation, to be the Standing Forces of this Kingdom. 1699.

This and the two following Tracts refer to the reduction of the standing army of England to 7000, and that of Ireland to 12,000 men, which took place in the winter of 1699. It is known how much King William resented this measure, considering the risque of invasion from France, and that part of the troops dismissed were his favourite Dutch guards.

REGIMENTS.	COLONELS.	Lieutenant Colonels.	Majors.	Captains.**	Cornets.	Guidons.	Exempts.	Brigadiers.	Chaplains.	Adjutants.	Quarter Masters.	Lieutenants.	Sub Lieutenants.	Ensigns.	Surgeons.	Surgeons Mates.	Kettle Drums.	Trumpets.	Solicitors.	Serjeants.	Corporals.	Deputy Marshals.	Drum-Majors.	Hautboys.	Drummers.	Number of Men in each Regiment.	Number of Men in each Troop or Company.	Troops or Companies.	Making in all.
1. Troop of Horse Guards	The Earl of Scarborough	...	...	...	1	1	4	4	1	1	...	2			1		1	4		...	...					160	...	...	181
2. Troop of Horse Guards	The Duke of Ormond	...	...	...	1	1	4	4	1	1	...	2			1		1	4		...	...					160	...	...	181
3. Troop of Horse Guards	The Earl of Rivers	...	...	...	1	1	4	4	1	1	...	2			1		1	4		...	...					160	...	...	181
Troop of Grenadiers	George Cholmondly, Esq.	1	...	...	1	1	...	...	1	1	...	2			1					6	6			4	4	145	...	...	176
Royal Regiment of Horse	The Earl of Oxford	1	1	9	9	...	...	...	1	1	9	9	2				1	9		...	18					324	9	36	390
Regiments of Horse	Henry Lumley, Esq.	1	1	9	9	...	...	...	1	1	9	9					1	9		..	18					324	9	36	390
	Cornelius Wood, Esq.	1	1	6	6	...	...	...	1	...	6	6					1	6		...	12					204	6	34	248
	The Earl of Arran	1	1	6	6	...	...	...	1	...	6	6					1	6		...	12					204	6	34	248
	Hugh Windham, Esq.	1	1	6	6	...	...	...	1	...	6	6					1	6		...	12					204	6	34	248
	Duke of Scomberg and Leinster	1	1	6	6	...	...	...	1	...	6	6					1	6		...	12					204	6	34	248
	The Earl of Macclesfield	1	1	6	6	...	...	...	1	...	6	6					1	6		...	12					204	6	34	248
Royal Regiment of Dragoons	The Lord Raby	1	1	6	6	...	...	...	1	...	6	6								6	12			6	6	228	6	38	283
Regiments of Dragoons	William Lloyd, Esq.	1	1	6	6	...	...	...	1	...	6	6								6	12			6	6	228	6	38	283
	The Earl of Essex	1	1	6	6	...	...	...	1	...	6	6								6	12			6	6	228	6	38	283
1. Regiment of Foot Guards	The Earl of Romney	1	1	28	...	...	...	...	1	1	1	32		24	1	2	...	...	1	56	56	1	1	..	56	1120	28	40	1383
2. Regiment of Foot Guards	The Lord Cutts	1	1	14	...	...	...	...	1	2	...	16		12	1	1	...	...	1	28	28	1	1	..	28	560	14	40	694
Regiments of Foot	William Selwyn, Esq.	1	1	10	...	...	...	...	1	1	...	10		10	1	1	...	...		20	20		1	..	10	360	10	36	445
	Charles Churchill, Esq.	1	1	10	...	...	...	...	1	1	...	10		10	1	1	...	...		20	20		1	..	10	360	10	36	445
	Henry Trelawney, Esq.	1	1	10	...	...	...	...	1	1	...	10		10	1	1	...	...		20	20		1	..	10	360	10	36	445
		16	16	138	69	4	12	12	19	12	69	152	2	66	9	6	10	60	2	168	282	2	5		136	5737	138	544	7000

*** Whereof the colonel, lieutenant colonel, and major of each regiment, are three.

A List of King James's Irish and Popish Forces in France, ready (when called for :) In Answer to an Argument against a Land-Force, writ by A, B, C, D, E, F, G, or to whatever has been, or ever shall be, writ upon that Subject.

Some partizan of King William, by pointing out and exaggerating the numbers of King James's forces in France, endeavours to support William's favourite proposition, that England would not be safe without a large standing army.

HORSE.

		Private Men.	*Comm. and Non-Com. Officers.*	*Total.*
Two troops of guards.	First, Lieut. Gen. D. of Berwick,	80	20	
	Second, Earl of Clancarty,	80	20	
Two regim.	K. James's royal regiment, Brigadier Sheldon,	300	72	
	Queen's regiment, Brigadier Lord Golmoy.	300	72	
		760	184	944

DRAGOONS.

Two Regiments.	K. James's royal regiment, Killmallock,	450	108	
	Queen's regiment, Carrol	450	108	
		900	216	1116

FOOT.

		Bat.	*Private Men.*	*Comm. and Non Com. Officers.*	*Total.*
24 Batal. 3 Independ. Companies. Regiments.	Guards, Dorrington,	2	1100	242	
	Queen's regiment, Luttrel	2	1100	242	
	Leigh,	3	1650	363	
	Marines, Fitzgerald,	2	1100	242	
	Limerick	2	1100	242	
	Charlemont,	2	1100	242	
	Dublin,	2	1100	242	
	Athlone,	2	1100	242	
	Mac-Elligot,	1	550	121	
	Lord Clare,	3	1650	363	
	Dillon,	3	1650	363	
	Three independent companies,		180	21	
			13380	2925	16305
	Total		15040	3325	18365

Some Queries for the better Understanding of a List of King James's Irish and Popish Forces in France, ready (when called for): In Answer to an Argument against a Land-Force, writ by A, B, C, D, E, F, G, or to whatever has been, or ever shall be, writ upon that Subject.

An indignant refutation of the inferences which the author of the preceding Tract meant his readers to draw from the preceding list of King James's army.

Query—Whether 18,000 Irishmen cannot conquer England, when 100,000 could not defend Ireland?

Query—Whether 150,000 English militia do not want a land-force to defend them against 18,000 bogtrotters, headed by that mirror of valour, and epitome of all courage, K. Jemmy?

Query—Whether we have not an honourable peace, when King James, that had never a soldier during the war, hath 18,000 since the conclusion of the peace?

Query—Whether, if the king of France keeps up 18,000 men at King James's devotion, he doth not punctually observe that article, not to assist and abet any enemy against King William?

Query—Whether King James ought not to be canonized for working of miracles, in maintaining an army, when he lives upon charity himself?

Query—If 500 Inniskilling men could beat 10,000 dear-joys, whether 900, when sent for, will not beat these 18,000, when called for?

Query—Whether 1100 marine soldiers, commanded by the redoubted Colonel Fitzgerald, be not a proper assistance for King James, who is not master of a cock-boat?

Query—Whether it is more for our interest to call for them, or the French king's to send them; and whether, all things considered, they will come when call'd for?

Query—If that true Brentford king and his forces come here with a whoop, they will not be gone with a hollow?

Query—Whether this peace is to be headed by King James or his wife, and which of them is the head?

Query—What water-force will be necessary to bring over this land-force?

Query—Whether this list of King James's forces be not the best answer that hath been published to the argument? and whether they ever shall, or can, write better upon this subject, "and all that, egad!"

Query—Whether the author understands A, B, C, D, E, F, G. &c.?

Query—Whether the author of this libel against the king and the government will be ready when called for?

TRACTS

DURING

THE REIGN OF KING WILLIAM III.

CLASS FOURTH.

MISCELLANEOUS TRACTS.

KING WILLIAM III.

CLASS FOURTH.

MISCELLANEOUS TRACTS.

An Address signed by the greatest Part of the Members of the Parliament of Scotland, and delivered to his Majesty at Hampton-Court, the 15th Day of October, 1689.

NOTHING save the great and general surprise of this long-distressed and at present unsettled kingdom, upon the late adjournment of your most loyal parliament for so long a time, and in so critical a season, with the deep concern of your royal interest therein, could possibly have induced us to this so necessary a petition; but the visible consternation and discouragement of thousands of your good subjects, delayed in the relief and comfort which at this time they assuredly expected, with the advantages that we apprehend your majesty's enemies, both within and without the kingdom, may think to reap by such an interruption, being our only motives, we cannot, we dare not, be silent: And therefore, to prevent these evil consequences, we in the first place most solemnly protest and declare, in the presence of God and men, our constant and inviolable fidelity and adherence to your majesty's royal title, right, and interest, so frankly and chearfully recognised by us in this current parliament, wishing and praying for nothing more under the sun than your long and prosperous reign, as that wherein the security of all our lives and liberties, and also of our holy religion, more dear to us than both, is infallibly included. It was the persuasion we had of the justice, as well as the necessity, of your majesty's heroic undertaking for the delivery of these kingdoms, with the conviction of the divine confirmation that appeared in its glorious success, that moved most, if not all of us, to endeavour and concur most heartily in the late meeting of estates, for the advancement and establishment of your majesty upon the throne, when some discovered their disaffection, and were too open retarders and obstructers of that good design: And it is from the same true affection and zeal, that we do now most heartily make the above-mentioned protestation, to obviate all the misconstructions your enemies may make in this juncture.

Nor are we less assured of your majesty's most sincere and gracious intentions, to perform for us to the utmost all that the estates of the kingdom have either demanded, or represented as necessary and expedient for securing the protestant religion, restoring their laws and liberties, and redressing of their grievances, according to your majesty's declaration for this kingdom. Neither can it be imagined, that so wise and just a king as your majesty will ever be persuaded, that so loyal a parliament as this can be induced either to wish or design any prejudice to, or diminution of your true interest and prerogative; but such as have slavishly served and flattered arbitrary power and tyranny will be always studying for their own sinister ends, to state a separate interest betwixt king and people; a practice which we are confident your majesty abhors.

But that we may clear ourselves upon this present occasion to your majesty's full satisfaction, and refuting of all misrepresentations we can incur on any hand, we shall briefly rehearse to your majesty the votes passed in the present parliament, to which the royal assent is not given, with such short reflections as we hope may tend to the better vindication of all concerned.

The first act, upon which the vote of parliament has passed, is that, declaring the privilege of the estates of parliament, to nominate and appoint committees, as they shall think fit, and excluding therefrom the officers of state, unless they be chosen: And omitting what the parliament hath already represented to your majesty as reasons of their vote, it is humbly conceived, that this act is exactly framed to the extent of that grievance, which, together with the rest, is desired in the instrument of government to be redressed unto us in parliament.

The second was an act abrogating the act of parliament 1669, asserting the king's supremacy over all persons, and in all causes ecclesiastical; and this act is so exactly conformable to the second article of the above-mentioned grievances, and the aforesaid act of supremacy in itself is so dangerous to the protestant religion, as well as inconsistent with the establishment of any church government, that we doubt not your majesty will ever approve all that voted to it.

The third is an act relating to persons not to be employed in public trusts; and all the ruins and distresses of this kingdom have so certainly flowed from the persons therein noted, especially such as, by their contriving of and concurring in the dispensing power, have thereby imminently indangered our religion, and overturned all the fences of our liberties and properties (which we have good grounds to believe the parliament would have extended but to few persons) and your majesty in your declaration hath so justly charged the same upon evil and wicked counsellors (the only persons pointed at in this act) that we are persuaded that you will find it absolutely necessary for attaining all the ends of your majesty's glorious undertaking for our relief.

The fourth is an act concerning the nomination of the ordinary lords of session and the election of the president, to wit, that in a total vacation they be tried, and admitted or rejected by parliament, and in a particular vacation they be tried and admitted or rejected by the other lords: And that the president be chosen by the lords themselves, conformable to our old practice and express statute. And this act is so agreeable to practices, laws, and acts of parliament, and so necessary for the true and equal administration of justice (the great security of all kingdoms) that your majesty will unquestionably approve it.

The fifth and last is an act ordaining the presbyterian ministers yet alive, who were thrust out since the first of January, 1661, for not conforming to prelacy, and not complying with the courses of the time, to be restored. And this act is in itself so just and so consequential from the claim of right, and agreeable to your majesty's declaration, that less in common equity could not be done. And here your majesty may be pleased to consider, that though prelacy be now by law abolished, yet these few ministers, not exceeding sixty (though restored, as they are not, for want of the royal assent to the aforesaid act) would be all the presbyterian ministers legally established and provided for in Scotland.

It is not unknown to your majesty what have been the sad confusions and disorders of this distressed country under prelacy, and for want of its ancient presbyterian government; and now the whole west and many other parts of Scotland are at present desolate and destitute, having only ministers called by the people upon the late liberty, without any benefice or living, or convenient place to preach in. It is also certain, that there are many hundreds of fore-faulted and fined persons who are yet waiting to be restored and refounded, according to the claim of right, and your majesty's gracious instructions relating thereto.

It is true, the last thing proposed by your majesty's commissioner in parliament was a supply of money for maintenance of the forces so necessary for our present defence; and we should have proved ourselves ungrateful to your majesty, and false to our own interest and security, if we had absolutely refused it: But there being a sufficient and certain fund to maintain all the forces, and support all other incident charges of the government for some months, all that we demanded was, that some things visibly necessary for the satisfaction of the country, and the better enabling and disposing them to pay the said supply, might be first expedited. We are confident that the vote of parliament, which was only for a short delay, will not give your majesty the least ground of offence.

And now, having presumed to lay these things before your majesty with all humble submission, purely out of duty for preventing the evil constructions of your majesty's enemies, and for our own just vindication, we most humbly beseech your sacred majesty graciously to consider what is here represented; and in prosecution of your majesty's acceptance of the claim of right, and your declaration emitted for this kingdom, to take such courses as you in your royal wisdom shall think fit, for passing the aforesaid acts of parliament, and redressing all our other grievances. And we your majesty's most humble petitioners and faithful subjects shall, as in duty bound, ever pray for your long and prosperous reign over us.

The Grievances represented by the Estates of Scotland to the King's Majesty, to be redressed in Parliament, together with his Majesty's Instructions to his Commissioner for redressing the same, published by Authority, 1689.

I. The estates of the kingdom of Scotland do represent, That the committee of parliament, called "The Articles," is a great grievance to the nation, and there ought to be no committee of parliament, but such as are freely chosen by the estates, to prepare motions, and overtures that are first made in the house. Instruct. 2.

II. That the first act of parliament 1669, is inconsistent with the establishment of the church government now desired, and ought to be abrogated. Instr. 4.

III. That forfeitures in prejudice of vassals, creditors, and heirs of entail are a great grievance. Instr. 6.

IV. That the obliging of the lieges to depone upon crimes against delinquents, otherwise than when they are adduced in special process as witnesses, is a great grievance. Instr. 10.

V. That assises of error are a great grievance, and that juries be considered by parliament. Instr. 7.

VI. That the eighteenth act of parliament 1681, declaring the accumulative jurisdiction, is a grievance. Instr. 8.

VII. That the commissariat courts, as they are now constituted, are a grievance. Instr. 9.

VIII. That the twenty-seventh act of parliament 1663, giving to the king power to impose custom at pleasure upon foreign import and trade, is a grievance, and prejudicial to the trade of the nation. Instr. 17.

Instr. 11. IX. That the not taking an effectual course to repress the depredations and robberies by the Highland clans, is a grievance.

Instr. 13. X. That the banishment by the council of the greatest part of the advocates from Edinburgh without a process, was a grievance.

Instr. 12. XI. That most of the laws enacted in the parliament *anno* 1685, are impious and intolerable grievances.

Instr. 14. XII. That the marriage of a king or queen of this realm to a papist, is dangerous to the protestant religion, and ought to be provided against.

Instr. 19. XIII. That the levying, or keeping on foot a standing army in time of peace, without consent of parliament, is a grievance.

Instr. 15. XIV. That all grievances relating to the manner and measure of the lieges, their representation in parliament, be considered and redressed in the first parliament.

Instr. 16. XV. That the grievances of the boroughs be considered, and redressed in the first parliament.

HAMILTON.

WILLIAM R.

Instructions to our right trusty and right entirely beloved Cousin and Councellor, William Duke of Hamilton, our Commissioner for holding the first Session of our next ensuing Parliament of our ancient Kingdom of Scotland.

I. You are to pass an act for turning the meeting of estates into a parliament; and the three estates are to consist of the noblemen, barons, and burgesses.

Grievan. 1. II. You are to pass an act for regulating the articles, to consist of twenty-four persons, besides the officers of state, whereof eight are to be chosen by the noblemen of their estate; eight by the barons, and eight by the boroughs of their estate: And in case of the decease of any of these persons, that estate out of which the persons deceased shall supply the same: These are to prepare matters and acts for the parliament, but not to exclude the parliament to take any matters into their consideration, though it hath been thrown out, or rejected in the articles; and all former acts, especially the first act, Parliament 1st. Ch. II. Sess. 3d, inconsistent with this, are to be rescinded.

III. You are to pass an act recognizing our and the queen's royal authority, and right of the crown; ordaining an oath of allegiance to be taken in place of all former oaths of allegiance and supremacy, declarations, and tests.

Griev. 2. IV. You are to pass an act, establishing that church government which is most agreeable to the inclinations of the people, rescinding the act of parliament 1669, and all other acts inconsistent therewith.

V. You are to endeavour to pass an act for raising such a supply, as

may be necessary for securing the kingdom from the present danger, and foreign invasion.

VI. You are to pass an act, that forfeitures shall only be extended to such interest as the rebel had, and that innocent vassals, or lawful creditors for debts upon record, shall not be prejudged, nor such heirs of entail whose rights of succession are established by a publick infeftment. Griev. 3.

VII. You are to pass an act, either to take away assizes of error, or otherwise, that they shall take place as well against a jury that condemns, as a jury that assolzies any pannel. Griev. 5.

VIII. You are to pass an act rescinding the 18th act of parliament 1681, asserting the prerogative in point of jurisdiction. Griev. 6.

IX. You are to pass an act regulating the abuses in the commissary courts, and all other inferior courts. Griev. 7.

X. We are satisfied, that an act should be past for securing the lieges against enquiries by way of inquisition, but in respect of the present juncture of affairs, this matter will be well considered by the parliament; and therefore when the terms of this act shall be adjusted, you are to transmit the same to us, that we may give you particular instructions thereanent. Griev. 4.

XI. You are to endeavour to procure an act for an effectual course for redressing the depredations and robberies by the Highland clans; and when this matter is digested, you are to transmit the proposals to us, that you may get particular instructions thereanent. Griev. 9.

XII. You are to pass an act rescinding such acts as were made in parliament 1685, as are justly grievous to the people, Griev. 11.

XIII. You are to pass an act, that no person be banished out of the kingdom, or from any part thereof summarily without a process. Griev. 10.

XIV. You are to pass an act, that the kings or queens of the realm shall not marry with papists under this certification, that a popish queen consort, or the husband of a sovereign queen, shall be incapable to enjoy the benefit, or advantage, of any provisions or settlements which the law provides, or particular contracts or agreements may have secured to them. Griev. 12.

XV. You are to pass an act, that the greater shires of that kingdom, such as Lanerk, Air, Perth, Fife, Aberdeen, and Midlothian, or others where it shall be found convenient, may send three or four commissioners to parliament, that the representation may be the more equal. Griev. 14.

XVI. You are to pass an act ratifying the privileges of the boroughs, and securing their rights, in electing of their own magistrates for the future, and that the boroughs of Glasgow and St Andrews shall have the electing of their own provosts, baillies, and town council, as the other royal boroughs of the kingdom have. Griev. 15.

XVII. You are to endeavour to procure an act or acts for the encouragement of trade; and if the 27th act of parliament, 1663, be found inconvenient, it may be regulated or rescinded, and when the proposals are adjusted you are to transmit them to us, that you may receive our instructions thereanent. Griev. 8.

XVIII. You are to pass an act for regulating the universities, so as good order and discipline may be preserved, and that pious and learned persons may be employed and provided.

XIX. You are to pass an act against a standing army in time of peace, but so as the guards, garrisons, and necessary standing forces may be continued. Griev. 13.

XX. You are from time to time to adjourn the parliament as you shall find necessary, and in respect the meeting may not be fully convened upon the 5th day of June, which is appointed for the first diet; therefore, after passing the first act of turning them into a parliament, you are to adjourn them to the 17th day of the month.

XXI. You are impowered to confer the honour of knighthood upon such persons as you shall find deserving of the same, not exceeding the number of six.

You have particular instructions anent what is represented to us as grievances; if there be any other things that may be necessary for the good of that kingdom to be past into laws, you are to acquaint us, from time to time, with such overtures, that you may be authorized with particular instructions thereanent.

Given under our royal hand and signet at our court at Copt-Hall, the 31st day of May, 1689. And of our reign the first year.
By his majesty's command.

MELVILL.

WILLIAM R.

An additional Instruction to our right trusty, and right entirely beloved Cousin and Councellor, William Duke of Hamilton, our Commissioner.

You are to nominate our right trusty, and well-beloved cousin and councellor William Earl of Crawford, to be president of the first session of parliament, in regard we have no chancellor for the time being.

Given under our royal hand and signet, at our court at Copt-Hall, the 31st day of May, 1689. And of our reign the first year.
By his majesty's command.

MELVILL.

WILLIAM R.

Additional Instructions to our right trusty, and right entirely beloved Cousin and Councellor, William Duke of Hamilton, our Commissioner.

1. By the second article of your instructions, dated the 31st of May last, you was empowered to pass an act for regulating the committee, called the Articles, which were to consist of twenty-four persons, besides the officers of state; notwithstanding of which, these are to authorise you to pass an act for them to consist of thirty-three persons, besides the officers of state; whereof eleven to be chosen out of every estate according to your former instructions, who are to prepare matters, &c. as is therein expressed, not excluding the parliament to take matters into their consideration, though it hath been rejected in the committee, nor to prevent their moving of any thing, and regulating of it to them, and the said eleven out of every estate to be chosen monthly, or oftner if the parliament think it fit, and all former acts, especially the first act, ch. 2. sess. 3. inconsistent with this, are to be rescinded.

2. You are to pass what acts shall be proposed for settling the church-government, according to your former instructions.

3. You are to pass an act rescinding all forfeitures past against any of our subjects, either in parliament or criminal court, since the first day of January, 1665, which shall be thought fit by the parliament to be rescinded: Likewise you are to consent to what our parliament shall propose for restitution to be made of fines, or compositions for

fines or forfeitures from those who had the benefit of them, and you are to rescind such acts as were made in the years 1681 and 1685, as are justly grievous.

Although the first of the above instructions is not complied with, yet you are to move the other two, and have them past before any adjournment.

Given under our royal hand and signet, at our court at Hampton-Court, the 4th day of July, 1689. And of our reign the first year.

By his majesty's command.

MELLVILL.

WILLIAM R.

Additional Instructions to our right trusty, and right entirely beloved Cousin and Councellor, William Duke of Hamilton, our Commissioner.

1. You are to touch the act already past, abolishing episcopacy as soon as you can, and to rescind all acts inconsistent therewith.

2. You are to rescind the act past in 1685, annexing forfeitures to the crown.

3. By the third article of your instructions, dated the 4th instant, we did empower you to reduce all forfeitures past against any of our subjects since January, 1665. Now we do authorise you to pass what acts shall be proposed for reducing forfeitures, &c. since the year 1660, if the parliament desire it, and to consent to what shall be proposed for making restitution of fines, or compositions for fines or forfeitures, as is expressed in the forementioned article, and you are to touch what acts passes conform to this.

4. You are to recommend to the parliament to raise a supply of money for paying the army, and supporting the government, according to your first instructions.

5. You are to allow the parliament to choose committees for the three foregoing instructions, notwithstanding the committee of the articles be not appointed, as also for what concerns church-government.

Given under our royal hand and signet, at our court at Whitehall, the 17th day of July, 1689. And of our reign the first year.

By his majesty's command.

MELVILL.

Proceedings of the Convention of the Estates in Scotland: Giving an Account of their coming to a Resolution of settling the Crown of that Kingdom upon King William and Queen Mary of England.

Edinburgh, April 4th, 1689.

The reasons for declaring the throne vacant were again read, and argued, one by one. They are in the terms following:

I. "King James the Seventh being a professed papist, did assume the regal power, and acted as king, without ever taking the oath required by law, whereby every king, at his access to the government, is obliged to swear to maintain the protestant religion, and to rule the people according to the laudable laws.

II. "By the advice of evil and wicked councellors he did invade the fundamental constitution of this kingdom, and altered it from a legal limited monarchy, to an arbitrary despotick power; and by publick proclamation asserted an absolute power to cass, annul, and disable all the laws; and particularly, arraigning the laws establishing the protestant religion; and did exert that power for the subversion of the protestant religion, by erecting publick schools and societies of the jesuits, and not only allow-

ing mass to be publickly said, but did invert protestant chapels and churches to publick mass houses, contrary to express laws against saying and hearing of mass.

III. " By disarming protestants, while, in the *interim*, he employed papists in the places of the greatest trust, both civil and military, such as chancellors, secretaries, privy-councellors, lords of session; thrusting out protestants to make room for papists; and by entrusting the forts and magazines of the kingdom in their hands.

IV. " By allowing popish books to be printed and dispersed, by a gift to a popish printer, designing him printer to his majesty's household and chapel, contrary to the laws.

V. " By taking the children of noblemen and gentlemen, sending and keeping them abroad to be bred papists, making great funds and donations to popish schools and colleges abroad, by bestowing pensions upon priests, and perverting protestants from their religion by offers of places and pensions.

VI. " By imposing oaths contrary to the law.

VII. " By giving gifts and grants for exacting money without consent of parliament, or conventions of the estates.

VIII. " By levying and keeping on foot a standing army in time of peace, without consent of parliament.

IX. " By employing officers of the army as judges through the kingdom, and imposing them where there were heritable offices and jurisdictions; and by them many of the lieges were put to death summarily, without legal trial, jury, or record.

X. " By using inhuman tortures without any evidence, and in ordinary crimes.

XI. " By imposing exorbitant fines, to the value of the parties estates; in exacting extravagant bail, and by disposing of fines and forfeitures, before any process or conviction.

XII. " By causing pursue and forfeit several persons upon old and obsolete laws, upon frivolous and weak pretences, upon lame and defective probation, as particularly the late Earl of Argyle, to the scandal and reproach of the justice of the nation.

XIII. " By subverting the right of the royal boroughs, the third of the estates of parliament; imposing not only the magistrates, but also the whole town-council and clerks, contrary to their liberties and express charters, without the pretence either of sentence, surrender, or consent; and the commissioners to parliament being chosen by these magistrates and councils, the king might in effect as well nominate that entire estate of parliament: And many of the said magistrates put in by him, were avowed papists, and the boroughs forced to pay money for letters, imposing these illegal magistrates and council upon them.

XIV. " By sending letters to the chief courts of justice, not only ordering the judges to stop and desist, *sine die*, to determine causes; but also ordering and commanding them how to proceed in cases depending before them, contrary to the express laws, and by changing the nature of the judges gifts, *ad vitam aut culpam*, and giving them commissions *ad bene placitum*, to dispose them to compliance with arbitrary courses, and turning them out of their offices when they did not comply; and particularly, those who in parliament opposed the abrogating of the laws made for the security of the protestant religion.

XV. " By granting personal protections of civil debts, contrary to law, notwithstanding the representation of the privy council in the contrary."

After this, the following declaration, which had been prepared by the committee, was read, and the vote was approved, as also the declaration and reasons :—

"The estates of the kingdom of Scotland find and declare, that King James the Seventh, being a professed papist, did assume the royal power, and acted as king, without ever taking the oath required by law; and hath, by the advice of wicked and evil councellors, invaded the fundamental constitutions of this kingdom, and altered it from

a legal limited monarchy, to an absolute and despotick power; and hath exercised the same, to the subversion of the protestant religion, and the violation of the laws and liberties of the nation; inverting all the ends of government; whereby he hath forfeited the right of the crown, and the throne is become vacant."

The whole house approved both, except twelve; of which number, seven were bishops, all the bishops that were present.

"This being done, the following vote passed, That an act be brought in from the committee for settling the crown upon William and Mary, king and queen of England, and to consider the terms of the destination of the heirs to the crown. And likewise, to prepare an instrument of government to be offered with the crown, for securing the people from the grievances which do affect them."

When all business was over, one of the bishops offered to say prayers, as the custom is; upon which it was moved, that King James being no more our king, he must pray for him at his peril; the bishop discreetly said only the Lord's prayer. So the house adjourned till next morning.

His Majesty's Letter to the Lords and others of his Privy Council.

This letter, which should have been taken in among the Civil Tracts, is accidentally misplaced. It was made public, and being dispersed over all England, had the effect of exciting some sympathy for James's distresses. But kingdoms are not so easily recovered as they are lost.

JAMES R.

MY LORDS,

When we saw that it was no longer safe for us to remain within our kingdom of England, and that thereupon we had taken our resolutions to withdraw for some time, we left to be communicated to you, and to all our subjects, the reasons of our withdrawing, and were likewise resolved, at the same time, to leave such orders behind us to you of our privy council, as might best suit with the present state of affairs, but that being altogether unsafe for us at that time, we now think fit to let you know, that though it has been our constant care, since our first accession to the crown, to govern our people with that justice and moderation, as to give, if possible, no occasion of complaint; yet more particularly upon the late invasion, seeing how the design was laid, and fearing that our people, who could not be destroyed but by themselves, might, by little imaginary grievances, be cheated into a certain ruin; to prevent so great mischief, and to take away not only all just causes, but even pretences of discontent, we freely and of our own accord redressed all those things that were set forth as the causes of that invasion; and that we might be informed by the counsel and advice of our subjects themselves, which way we might give them further and a full satisfaction, we resolved to meet them in a free parliament; and in order to it, we first laid the foundation of such a free parliament, in restoring the city of London, and the rest of the corporations, to their ancient charters and privileges, and afterwards actually appointed the writs to be issued for the parliament's meeting on the 15th of January. But the Prince of

Orange seeing all the ends of his declaration answered, the people beginning to be undeceived, and returning apace to their ancient duty and allegiance: And well foreseeing, that if the parliament should meet at the time appointed, such a settlement in all probability would be made, both in church and state, as would totally defeat his ambitious and unjust designs, resolved, by all means possible, to prevent the meeting of the parliament; and to do this the most effectual way, he thought fit to lay a restraint on our royal person; for as it were absurd to call that a free parliament, where there is any force on either of the houses; so much less can that parliament be said to act freely, where the sovereign, by whose authority they meet and sit, from whose royal assent all their acts received their life and sanction, is under actual confinement, the hurrying of us under a guard from our city of London, whose returning loyalty he could no longer trust, and the other indignities we suffered in the person of the Earl of Feversham, when sent to him by us; and then that barbarous confinement of our own person, we shall not here repeat, because they are, we doubt not, by this time, very well known, and may, we hope, if enough considered and reflected upon, with his other violations and breaches of the laws and liberties of England, which by this invasion he pretended to restore, be sufficient to open the eyes of all our subjects, and let them plainly see what every one of them may expect, and what treatment they shall find from him, if at any time it may serve his purpose, from whose hands a sovereign prince and uncle, and a father, could meet with no better entertainment. However, the sense of these indignities, and the just apprehension of other attempts against our person, by them who endeavoured to murder our reputation by infamous calumnies, as if we had been capable of supposing a Prince of Wales, which was incomparably more injurious than the destroying our person itself, together with a serious reflection on a saying of our royal father of blessed memory, when he was in the like circumstances, That there is little distance between the prisons and the graves of princes, which afterwards proved too true in his case; could not but persuade us to make use of that right, which the law of nature gives to the meanest of our subjects, of freeing ourselves by all means possible from that unjust confinement and restraint; and this we did not more for the security of our own person, than that thereby we might be in a better capacity of transacting and providing for every thing that may contribute to the peace and settlement of our kingdoms; for as on the one hand no change of fortune shall ever make us forget ourselves so far as to condescend to any thing unbecoming that high and royal station, in which God Almighty, by right of succession, has placed us, so, on the other hand, neither the provocation or ingratitude of our own subjects, or any other consideration whatsoever, shall ever prevail with us to make the least step contrary to the true interest of the English nation, which we ever did, and ever must look upon as our own. Our will and pleasure therefore is, that you of our privy council take the most effectual care to make these our gracious intentions known to the lords spiritual and temporal, in and about our cities of London and Westminster, to the lord mayor and commons of our city of London, and to all our subjects in general, and to assure 'em that we desire nothing more than to return and hold a free parliament, wherein we may have the best opportunity of undeceiving our people, and shewing the sincerity of these protestations, we have often made, of preserving the liberties and properties of our subjects, and the protestant religion, more especially the church of England, as by law established; with such indulgence for those that dissent from her, as we have always thought ourselves, in justice and care of the general welfare of our people, bound to procure for them; and in the mean time you our privy council, who can judge better by being upon the place, are to send us that advice what is fit to be done by us towards our returning and accomplishing these good ends. And we do require you in our name, and by our authority, to endeavour so to suppress all tumults and disorders, that the nation in general, and every one of our subjects in particular, may receive the

least prejudice from the present distractions that is possible: So, not doubting of your dutiful obedience to our royal commands, we bid you heartily farewell.

Given at St Germains en Laye, the [1] January 1687-8, and of our reign the fourth year.

By his majesty's command.

MELFORT.

Directed thus,
To the Lords and others of our Privy Council
of our Kingdom of England.

From Sion College. V. 5. No. 12.

An Account of the Affairs of Scotland, relating to the Revolution in 1688*; as sent to the late King James II. when in France. By the Right Honourable the Earl of B———*

[From the Collection of Sir Thomas Robinson, Bart.]

Colin Lindsay, third earl of Balcarras, author of the following memoirs, was an accomplished nobleman with a considerable taste for letters. He had been gratified by Charles II. and his brother James with a pension of 1000*l.* and the post of a commissioner of the Scottish treasury. Thus rewarded and employed, he declined to quit the interest of his unfortunate master after the Revolution; attached to it by affection, gratitude, and the delicacy of sentiment which the love of letters commonly inspires. William requested him personally to embrace his interest. Balcarras pleaded the trust which had been put in him, and asked the king, If, after that, he could enter into the service of another? William generously answered, "I cannot say that you can:" But added, "Take care that you fall not within the law, for otherwise I shall be forced against my will to let the law overtake you." Balcarras did fall under the grasp of power, being for some time imprisoned in the common jail of Edinburgh. After obtaining his freedom, he went upon the continent for several years, and then returned to Scotland, where he died at his house of Balcarras, in the year 1722. As he was chiefly trusted by King James in his civil affairs, the following letter has always been accounted a valuable historical document, containing many particulars of the causes and effects of the revolution in Scotland, not to be elsewhere found.

INTRODUCTION.

THE publishing such nice things, as the memorials of ministers of state, as they are many ways useful and very advantageous to the publick, so they are of a nature so particular, as to require some necessary explanations on behalf of the editor.

The memoirs here published are of this kind; the writer, as is usual in such cases, speaks in the first person, and treats the characters of the persons he writes of with a freedom which nothing can excuse.

It is the editor's opinion, that this is no reflection on the gentlemen named; nor is it published with that intent. It is no new thing for the instruments of the mal-administration of that reign, to brand those who assisted in deposing King James, and

[1] *Sic.* in orig.

bringing on the Revolution, in the most odious and the most opprobrious terms; this we always esteemed a reputation, rather than a reflection; nor have the injured gentlemen failed to be gainers by it, the scandal of it falling always upon their authors, not upon the object.

The matters treated of here, are such as relate in particular to the carrying on the Jacobite cause in Scotland, and lets us much into the secret history of those times immediately after the Revolution, and of the transactions within doors, as we may call it, among the favourers of the late King James, and the reader will be diverted with a great variety of transactions, and that by persons who we have seen act in a quite different sphere since that time, and that with an undisputed vigour and fidelity.

Let no man think that it will lessen our just esteem for the characters of the several persons of the first rank, to say of them, That they were not at first in the secret of the Revolution; some had no clear notions of transposing their allegiance from the person of the prince, and stuck closer to the opinion of the divine right of a succession in the line, than others did: Some struggled with scruples about the oath of allegiance taken to one king, and of its being indissolvable, but by the death of the king to whom it was sworn: Others were under personal obligations to the king, and the like; some one thing, some another; each consideration, while it lasted, prevented the person coming in till those obstacles were removed; and yet we have found, by good experience, that when those gentlemen had satisfied themselves and come in, they have acted since with all that fidelity, usefulness, and steady loyalty, that can be imagined; and come up to a zeal equal, if not superior, to those who were more early in the case.

Thus in England, the Earl of Nottingham, and several others, protested against King William's coming to the crown. The late Earl of Godolphin adhered to King James, and was one of the three whom King James sent with propositions to the Prince of Orange, to know what were his demands? His grace the Duke of Somerset was some years before he came into a full concurrence with those times, yet no man doubts now the sincerity of all these noble persons in the interest of their country; and we now see them, or most of them, in places of the highest trust in the kingdom.

In Scotland it was the same thing; nor will all that is said or suggested here of his grace the Duke of Argyle, and the Lord Ross, and others, to be able to deface the records of all the great and illustrious things which they have since done in the publick affairs, wherein they have shewed, and especially at this time, to the present government, a sincere zeal and affection for the protestant religion, and for the laws and liberties of their country.

It is no wonder that such men should be traduced by every author who writes in the cause of an arbitrary and popish government, with whom it is not the crime of these great persons that they acted or concurred at all; but that they acted no farther, and that when they saw their designs, they abandoned the Jacobite interest, and came in sincerely and effectually to the revolution principle; nay, it may very justly be said of these men, and of his grace the Duke of Argyle in particular, that the vigorous steps they have taken since that time, even above others, in the prosecution and settlement of a protestant government, have abundantly made amends to their country for their not coming so early into those things as some other men might do.

Upon these accounts it is, that the publishers of these memoirs give this necessary caution, as well to clear themselves from any reflection in the publishing, as to guide the thoughts of the readers to do justice to the characters of such honourable persons, who they shall find the author falls upon in this book, and that they may distinguish between a Jacobite writer giving a partial and unjust account of persons to King James, and a faithful historian stating things to the world, as their consequences make them appear.

In the mean time, the publication of these memorials will be found very useful, to

let us see in what posture things stood at that time; what the designs of King James and his party was, if they had prevailed; and who they were who carried on those designs for him; and this, in short, is the true end of the editors hereof in making them public.

A brief Account of the State of Scotland, &c.

By this, which I humbly offer to your majesty, I am far from pretending it is an extant relation of all that has happened these six unhappy years.

All I intend is to give you a short view of your affairs in Scotland since the beginning of the Revolution, that your majesty may know when you attempt the recovery of your just rights, whom you may rely on; for all these that has kept firm to their duty, after so long and severe a trial, you may safely depend on; and these that appeared at first against you, and now pretends to be in your interest, having missed what they expected by this revolution, you may be persuaded nothing will ever make them throughly so, but a sufficient force: I shall say nothing in this out of partiality, nor any thing that is not consistent with my knowledge, and cannot be denied by these I write of, there being so many witnesses alive, who can assert the truth of all I shall offer to give to your majesty an account of; which I pretend I may do as justly, though not so correctly, as any of your majesty's subjects, who have had the honour to be entrusted by your majesty with so much, before this revolution, or was so deeply concerned in the unsuccessful attempts that has been made for your service.

How discontents and jealousies began, and disturbed the happy peace the nation was in after the defeat of the Duke of Monmouth and Earl of Argyle: I cannot give your majesty so good an account of it, without going a little back, and letting you know the reasons that were given for them.

The first symptoms of discontent appeared in Scotland after the restoration of the king your brother, was in the Earl of Murray's parliament, for I reckon not the two tumultuous risings in the western fanatick countries,[1] nor the jarrings of Duke Hamilton's party, as being nothing national, but to the contrary; for these were rather means to shew the concern and affection of all the other parts of the nation for the king's interest, wherever that came to be debated by his few insignificant enemies.

Never king succeeded to a crown or throne more with the love and esteem of his subjects than your majesty did, generally to all Scotland, of all professions; nor could any thing have disturbed your happy reign, but the jealousies and fears that was industriously spread abroad, as if you had designed, by giving a general liberty of conscience, to ruin the religion then established; if that had not been too much believed, and the fears of again encouraging, by such a liberty, the fanaticks, then almost entirely ruined, there would have been few that would have refused to comply with all your majesty's demands in that parliament; but the fears in bringing back the fanatick party then scattered through the world, that were always lying in wait, for every opportunity, to ruin the monarchy, and all those that were faithful in it, made even your faithfullest subjects comply but with an unwilling mind, considering that such a toleration would again set up a party that had cost so much care, time, and treasure, to destroy.

The Earl of Murray not succeeding in that parliament, because of these apprehensions, and his small skill in managing such an affair, where there were so many interests to unite, your majesty dissolved that parliament, and issued out a proclamation of indulgence and toleration to all persuasions.[2]

[1] Quelled at the battles of Pentland-Hills and Bothwell-Bridge.

[2] The Scottish parliament of 1686, caught the general alarm at the king's intentions in favour of the catholics, and refused his application to them for dispensing with the penal laws; upon which the parliament was dissolved, and James, as in England, proclaimed a general indulgence as an exercise of his own prerogative.

This put the episcopal clergy in such a rage, that they could not conceal it, neither in discourses nor pulpits; and the presbyterians grew so insolent with it, that the letter your majesty wrote to them then at Edinburgh, wherein you told them your predecessors had been severe, and ruined several of them, but they might be confident of your protection against all their enemies.

This, and the Earl of Melfort's employing James Stuart to draw most of the public papers sent down, who was known to be a professed and inveterate enemy to the crown and your order, made the episcopal clergy at that time say, and do many things, which afterwards they heartily repented when it was too late; for their dislike of the greatest part of the nation, and their jealousy, misfortunately meeting with the inveterate malice of the presbyterians, gave the greatest advantage could have been wished for, to the unbounded ambition of the Prince of Orange; for nothing ever made him make so bold an attempt, but these divisions, and the jealousies that were industriously spread abroad, few being satisfied.

The episcopal clergy, or party, out of fear to lose what they had long professed, and though the prebyterians for a few months first after the getting their liberty seemed satisfied, yet some grew as malicious as ever, being disappointed of getting the government into their hands, as they hoped, and a revenge on their enemies.

The order your majesty sent down, commanding all in any office, either civil or military, to give up their commissions, and take up new ones, without taking the test; this made all employments liable to several penalties of the laws, and occasioned a great consternation:[1] But not near to what by another order, all in employments were commanded to take out remissions for breaking of the laws, which they had done by your majesty's command, by which they thought themselves sufficiently warranted, as may appear by a letter the council sent to your majesty; wherein, not only they, but the judges, gave it as their opinion, That your majesty giving a commission, was sufficient to hinder any being liable to the law, especially considering, that the penalty was due to yourself; but notwithstanding of this advice, a severe proclamation was sent down by the Earl of Melfort, That all should take out these remissions in three months, and pay for them three pounds sterling to himself, and twenty pounds to James Stuart, who was to give them out, and such as did not take them out, to be pursued for breach of law, and be rendered incapable for ever thereafter, of your mercy; this was thought very hard, even by the loyalest of your subjects, to be paying for such remissions, and especially to be giving so much to Mr Stuart, that had but some months before got a remission for plotting and contriving against your majesty and government, and was generally believed at that time, by all that wished well to your majesty's government, to be underhand betraying it; nor has their apprehensions been false, for since the Revolution he has bragged to hundreds, that he gave several advices, designedly to ruin it, and to advance the interest of his friends.

When first this order was read in council, all were silent; but the next day a representation was sent up to your majesty, both by the council and secret committee, to shew how inconvenient it would be if such an order were proclaimed, nor was there any man more against it than your chancellor, and those you trusted most.

Your majesty was pleased, on these representations, to discharge its being pressed; but it gave such bad impressions of some who was employed, that nothing will ever take it off; and it was generally believed, that nothing but your majesty's own goodness could have hindered a thing that would have been so advantageous to the contrivers, though dishonourable to all that served you; nothing vexed the episcopal clergy

[1] All who were in public station in Scotland were required to surrender their commissions, and take out new ones, without complying with the tests; and immediately after, they were commanded to take out pardons, for having transgressed the laws by their obedience.—But Melfort and Stewart had large fees for issuing the commissions and the pardons.

more at that time, than to see some fanatics put both into council and session; but all these discontents were but like smothered fire, until the birth of the Prince of Wales, which afterwards broke out more violently; for after that, several of the episcopal clergy were so far misled, that they left off, in a few weeks, the praying for the Prince of Wales, and were so apt not only to believe the most calumnious reports of that time, but to insinuate in their people fears of popery and arbitrary government, which did no small prejudice, and made many, that have appeared since of a far different temper, extremely satisfied at the noise of the Prince of Orange's coming over; being so weak as to believe he had such an attempt only to secure the laws, and relieve them of their fears; but these discontents of the episcopal party, though they cannot be justified, yet they proceeded from jealousies more than from any ill design after your majesty's government; but the presbyterians being encouraged from their friends in England, and the rebels who fled into Holland growing then more insolent than ever, being put in hopes again, by another way, of getting entirely the government in their own hands, and a revenge on their enemies, which were the two things they so long wished to have an opportunity for, but would never have attained the same, if the indulgence granted them had not brought them together from the West-Indies; so that they appeared in far greater numbers than could well have been believed to be yet remaining after so long a tract of discouragement. They not only were joined together, but many that never were of that profession before, joined with them, as all the discontented of the nation has ever done since the Revolution, making religion always the pretext of gaining their other ends.

The jealousy of the catholics did not a little heighten the discontents of both these parties likewise; and though they were not so afraid of them as of each other, because of their small number, yet with very uneasy eyes, they beheld them coming into the chief posts, both in civil and military employments; and the presbyterians, by the liberty granted to all, had their share, and were also admitted into employments which they never had before, but when necessity compelled former kings; yet they were so far from being thankful for it, that both in their pulpits and conversation, they openly declared they thought themselves nothing obliged to any toleration they had, it being given to introduce the catholics, and ruin protestants among themselves; nor were these jealousies and apprehensions only among the clergy.

For after your majesty had given warrant to the chancellor, Viscount of Tarbut, and myself,[1] to enquire of all the officers of state, judges, and officers of the army, their opinion and consent, for taking off the penal laws and tests; most of them, though they consented to it, yet had such a cruel apprehension of other things farther to be pressed upon them, that it made them extremely uneasy; and the turning out of Sir George Mackensie from being your advocate, and the Lord Harcuss,[2] and Edmistoun,[3] from the session, for refusing to consent to what was offered, heightened extremely the humour, for they were esteemed of the greatest integrity and learning of that judicatory, and it seems not without reason, for though they were humorous in that, yet after, and since the Revolution, they have behaved themselves exactly well, and refused the offers of employment which was made them.

Except for these fears and jealousies that was spread like a plague through all the land, and the too covetous taking of money by some of your servants (but that I will not meddle with, being resolved to say nothing here but what consists with my own knowledge) all other things in the government were as easy, and managed with as much justice as was ever known in any age; for never was a treasury and exchequer

[1] Lord Chancellor Perth, Lord Tarbat, and Lord Balcarras were entrusted with the task of secretly soliciting those in public offices to consent to the repeal of the test.

[2] Sir Roger Hogg, a lawyer of some eminence.

[3] Mr John Wauchope.

more favourable in all sorts of compositions, which your majesty allowed us to do; nor was there ever before, in the council or session, more justice and quick dispatch of business, nor soldiers better paid, and with less trouble in the country, which the worst of your enemies must acknowledge.

In this condition was the kingdom till September 1688, when your majesty sent down an express to your secret committee, which consisted of seven, viz. your chancellor, Marquis of Annandale, Viscount of Tarbut, Archbishop of Glasgow, Sir George Lockhart and myself, to let us know you expected an invasion from Holland, which at first was thought, by the generality of the nation, to be absolutely impossible, and only a pretext to raise money, or draw the army together for other designs, which added still to former jealousies; but these mistaken fears were quickly suppressed, when they knew of such preparations as your majesty was making in England; and we likewise affirmed by seamen coming daily from Holland of great preparations there, and noise of a war quickly to break out.

Your majesty's council appeared all of them ready and willing to concur in every thing that could be offered for making the nation as capable as could be for serving you, and it seemed for a time the noise of foreign war had banished their jealousies and fears from among them, and from all quarters of the country. The gentlemen and burgesses sent to the council new offers of duty; the militia was ordered to be raised and modelled to a fourth part; and the forty days pay which the country is obliged to of the whole, would have paid this fourth part six months; the castle of Edinburgh, Stirling, &c. furnished the gentry, modelled into troops, with arms, and orders sent to the chiefs of the Highland clans to have their men in readiness, which, with the standing forces, would have made a considerable army.

On the first notice of the invasion, Captain Mackay, nephew to the major-general, was taken up, upon suspicion of having laid down his employment in Holland, to be the better able to serve the Prince of Orange in what he intended, which was reasonable to believe by a letter found upon him, written by himself to his uncle, wherein he expressed great affection to the service of the Prince of Orange, and desires his uncle to let him know, that though he had quitted his service, yet he hoped, in the condition he was now in, he could be more useful, which he was willing to do with the hazard of his life, and that he wanted only to know how he might put his intention in execution. He was examined by a secret committee several times, but gave his oath frankly, he knew nothing of any design, nor meant nothing by these expressions, but a compliment to the prince, who had concerned himself in getting him a rich marriage; but, after the Prince of Orange's coming over, he bragged of knowing all the design, and valued himself for swearing frankly, rather than discover.

There was likewise taken one Blackadder, a doctor of physic, who was sent over, by the banished lords and gentlemen in Holland, to encourage their friends, and give them an account of the inclinations and affections of the people to the Prince of Orange's interest; the only traffic could be made out against him, for he likewise would disclose nothing, but rather perjure himself, of what he knew was betwixt Lord Murray, son to the Marquis of Annandale, and one Murray of Tippermoore; for, by a letter taken on him from Mr Murray to the Lord Murray, he told him, He had delivered his message to the Prince of Orange, who received it very kindly, and desired Blackadder to give him an account weekly of all that had passed, and to let him know how the nation stood affected to the Prince of Orange: More might certainly be known from the doctor, if the Marquis of Annandale, who had been lying in wait from the first noise of the invasion, for a pretext to appear discontent, had not taken this opportunity; he complained highly, that any who belonged to him should be suspected, and that all the work made against Blackadder, was only designed against his family; so, to satisfy him, the doctor was no farther meddled with, that he might not have the

least ground, at such a time, to complain; but all this did not satisfy him, for in all meetings, both in secret committee and council, he affected an air of chagrin and discontent, though to please him we were too indulgent to his humours; yet a little while after, pretending sickness, he retired into the country, until he was assured of the landing of the Prince of Orange, and then he returned and acted a part more to the prejudice of your interest than the most inveterate of your enemies was then able to do; the chief reason he gave for his discontent was, family piques betwixt him and the Earl of Perth, and fears of his doing him ill deeds; but it was known to all the nation, that his hopes of advancing his interest by the Prince of Orange, on the account of his relation by his lady, was the chief motion of all his actions; or at the least, by his seeming discontent with the present government, he thought he would secure himself of all that your majesty had bestowed on him but too prodigally; after he withdrew, every thing went on smoothly in council, and even the western and fanatick gentry were contending for employments in the militia troops; but by what afterwards appeared, it was with a design to betray.

Nor was there any of them more forward in offering his service, than Sir James Montgomery, though at the same time he was assisting the Lord Lorn, to borrow a considerable sum of money to carry him to Holland; the reason given for borrowing this money was, to make a present to the Countess of Melfort, nor could they have found a pretext that would have past more easily, for it was reasonably believed; otherwise, the lending of such a sum by such disaffected persons at so critical a time, could not have missed to be suspected, and his journey stopped.

One Mr Campbell, who was sent over by the Lord Stairs, to invite him over by warrant from the Prince of Orange, but I believe told little of the design, though Sir James bragged, after the Revolution, of his knowing all, and of his having messages from the Prince of Orange, but was contradicted by all who were entrusted in it, who were few enough; this was the first appearance of Sir James Montgomery, nor had he any manner of influence, except with some few of the most bigotted fanaticks, who had made a party, and exclaimed against the rest of their profession for accepting of the indemnity, or taking any favour from the government; nor would any thing please them, nor could any six of them agree, being left to their discretion; but notwithstanding these divisions, all parties kept within bounds until the calling away of the standing forces, when the government was left bare, and at the discretion of their enemies.

About the beginning of September, your majesty ordered the Earl of Perth to let you know how the presbyterian ministers intended to behave themselves at the juncture, judging, as they behaved, their followers would follow their example; but he believing very justly, that they would not use freedom with him, desired me to employ some person to try their pulse. Sir Patrick Murray was one then that had not attached himself apparently to any party, but was generally well with all parties; I desired him to go to some of the leading men, that were then assembled in town, and tell them from whom he was sent, and that your majesty, considering the many favours you had shewn, expected they would now shew their gratitude in influencing their people to join heartily against the unnatural invasion; and that, according to their present behaviour, they might expect favour and protection from you for the future. They answered them dryly, they were but a few then, but in a fortnight there would be a general meeting of them all, that then they doubted not but they would give your majesty satisfaction, with such answers. When that time came, they put off giving any positive answer, until they had new assurances from their friends in Holland, and made high with expectations that the Prince of Orange would put all the government both of church and state in their hands; and then they sent me word by Sir Patrick Murray, that they owned God had made the king an instrument of shewing them some

favour; but since they were convinced, that what favour was shewn them, was only with a design to ruin the protestant religion, they would meddle no more with him, nor have any communion with any that belonged to him; especially, since he had employed in the chief offices, papists, or persons popishly inclined, and so desired to be excused from giving any farther answer, but that they would behave in this juncture as God would inspire them: This answer shewed plainly, what was to be expected from them, and from that time forward, both they and the gentry of that party took little pains to disguise their resolutions; but still fears of accidents kept them from doing any thing the government could publickly punish; nor were any of them thoroughly in the affair or trusted in it, so much as to make them venture any thing for what they so much desired: If any was thoroughly trusted, it was the Earl of Annandale, then at London; at the beginning of the indulgence he turned fanatick, but in a few months wearied of it, and came to the Earl of Perth, and told him it was only his youth that misled him in joining with such a rebellious, mutinous pack; but henceforward he would serve the king heartily, and that he intended to go for London immediately, and to offer his service.

Therefore he desired his recommendation, which he got, and was very kindly entertained by your majesty, and at first was to have the Earl of Airly's troop of horse; but the Earl of Airly coming up, and not being willing to part with it, he had the promise of a regiment which he was to raise in the southern counties; but finding your majesty's affairs in greater disorder than he imagined, he chused rather to join with some of the disaffected lords in England.

The first he proposed to was the Earl of Drumlenrick; he told him, he found by the company he kept constantly, that he was not satisfied with the present government, and that he was as much dissatisfied himself as any, though he was forced to dissemble it, until he had got some things done he came for; that he was resolved never to draw sword against the Prince of Orange, and that if he and his friends would trust him, he would serve them faithfully, and run their fate.

The Earl of Drumlenrick told him, he was joined with others, and could not act without their liberty; but he should speak to them of it, and give an answer: The next day he appointed him to meet him in the city, with the Duke of Ormond, Mr Boyle, and Mr Maul, who belonged to the Princess of Denmark, after they had dined; the Earl of Drumlenrick told him, he had spoke to Prince George, and the rest then with him, of what he had offered; that they all accepted willingly of it, but expected that he would give an oath of secrecy the most binding way they could demand, which he also readily promised; so Mr Maul officiated and gave him the sacrament, and took the oath, that he would go in with them to the Prince of Orange, whenever he landed; but when it came to the push, his heart failed him, and he excused himself, that he had got a misfortune; for which, when the Prince of Orange came to London, he was for some days in the messenger's hands, which made him immediately quit them, and join with those intended to serve your majesty in the following convention. What more of this kind of treachery was carried on, I cannot be positive; for, I believe, very few Scotsmen were concerned in it; for I doubt not, if they had, but they would have themselves valued in it with the rest, for several did so that were not concerned; nor could any such treacherous designs have been concealed, considering the pains both the secret committee and council took to find them out: And how entirely well affected to your majesty was the little army you had in Scotland, which was so advantageously posted through the kingdom, that even the most disaffected lived peaceably expecting the event?

But so soon as your majesty sent your orders, that they should be brought together, and be in a readiness to march into England, then all discontented people and fanaticks

in the nation thought they had hit on their own time, believing your majesty's affairs in England must be in a miserable condition, when you had need of so small a force, and for it to leave a government naked, and lose a whole country, which otherways might have been so useful to you.

When first the Earl of Melfort, by your majesty's order, wrote of it to the secret committee, they immediately sent an express, to lay before your majesty the inconveniency of it, and likewise to propose a design they had, that with it and the modelled militia, and a detachment of the Highlanders, to make an army of 13,000 men, with half year's pay, to have lain either upon the borders of Scotland, or in the north of England; which, certainly, would have hindered all those risings in the north of England, which made a noise so far above what really they were, and proved so prejudicial to your affairs; but, instead of following this advice, which was the unanimous advice of the whole council, the Earl of Melfort wrote down an order, not subscribed by your majesty, but only in your majesty's name, ordering, that the army should immediately march, and that if any of your servants were afraid to stay behind, they might go along with the army: with a sorrowful heart your majesty's orders were obeyed, for the consequences were too evident; so about the beginning of October they began their march.

The council after that ordered the modelled militia to be brought together about Edinburgh, and some to be quartered in the suburbs; but the new-raised men, that would quickly have been brought into order, if mingled with modelled troops, signified little to keep up the face of authority, nor was their commander, Sir George Munro, better at his trade than the rest, having lost any thing he had learned in Germany long ago; nor had he retained any thing, but affected nastiness, brutality, and fanaticism. Necessity, and the recommendation of some more out of friendship to him than the service, persuaded the council to give him a commission, until your majesty's pleasure should he known, which afterwards you confirmed.

The presbyterians, and discontented party, seeing the miserable and abandoned condition your affairs were in, took their opportunity accordingly; for so soon as the army passed the border, Edinburgh was filled with numbers of them of all degrees, from all places in the kingdom, who then thought it safe to take off their masks, and meet publicly in several clubs, where they deliberated, as formerly, what was fit for them to do in that juncture, as if they had been allowed by authority; and the council and secret committee knew from some spies they had among them, all that passed at their meetings, yet they were forced to overlook what they had not force to suppress; the chief of these meetings, were the Earl of Glencairn, Earl Crawford, Earl Dundonald, Earl Tarras, Lord Mersingtoun, a fanatick, few months before put into the session; Sir James Montgomery, Austruther Younger, Mr William Hamilton, Mr William Lockhart, Murray of Philliphaugh, Richarton, Drummond, Blair of Greenock, Mochrum, Livingstoun, master of Burrley, Mr Francis Montgomery, Major Buntin of Baillie-Hall, Sir George Stirling, chirurgeon, one Menzies, a merchant, Bruce of Broomhall, Pitliver, Reidy Luchat, the Master of Melvil, Lord Bargany, Sir Patrick Murray, Ormiston, &c.

Several joined with them afterwards, but these were the chief beginners and head men among them, until the banished rebels from Holland met them at London and eclipsed them. The presbyterian ministers did not publicly meet with them, but, according to their ancient custom, nothing was determined without their advice and approbation. One of the first things they took into their consideration was, how to hinder all correspondence betwixt your majesty and your council, which Sir James Murray undertook, and did it so effectually, that few packets missed him, which was easy to be done, having correspondence both about Berwick, and the north of England, with the Earl of Derby, and Lord Lumley; then they opened all packets, and only suf-

fered such letters to pass as they thought fit; some expresses were sent down by the Earl of Melfort to his brother, but for fear of discouraging, always made things better than what was reported by these meetings at Edinburgh, or other letters that came down.

That the secret committee was in great perplexity to know the truth, this obliged them also to seize the packet, and open the letters; but it had so oft been done before, both by the discontented party in Scotland, and the lords in the north of England, that there was little or nothing learned by it; for several weeks after, there came neither packets nor express; at last, one came with an account of the landing of the Prince of Orange, and that your majesty had marched down to meet him, till the Earl of Melfort gave his brother all the hopes imaginable, but the Earl of Dundee wrote in so different terms to me, that my lord chancellor resolved to send one to receive your majesty's commands, to let him know the truth of what was doing; for which one Baillie Brand, merchant in Edinburgh, was sent express, and recommended by the Viscount of Tarbat, as one most proper, being accustomed to travel that road about his own affairs, and so might be the less capable of suspicion.

The chancellor, by him, gave you an account of the bad station this nation was in, since the calling away of the forces, and the presbyterians declaring entirely against you; but the messenger betrayed his trust, and went streight into the Prince of Orange's camp, and was introduced by Dr Burnet; he told the prince he was sent by several to offer his highness their service; this was no sooner known, but the Viscount Tarbat was extremely suspected to be one of these, but I am convinced he had not at that time any correspondence; for there was no man in the nation in such apprehensions of danger, after he read the Prince of Orange's declaration, and saw by it he intended to sacrifice all to satisfy the presbyterians, and these rebels that did come over with him, and who were for the most part the Viscount Tarbat's personal enemies.

This way failing of having your commands, the council ordered three of their numbers to wait on your majesty, viz. the Viscount of Tarbat, the president of the council, and myself; the other two fearing to get through, and not being able to ride post, excused themselves; so I was sent alone. Some days before I left Edinburgh, it was spread abroad, that the rabble of the town designed to make an uproar, which was purposely set about by these meetings to frighten these you trusted, and by some who had a mind to be rid of my lord chancellor, to have the government in their own hands, that they might be in a better condition to make their court to the Prince of Orange. The chief of those was the Marquis of Athole, who thought that so early an appearance, for the Prince of Orange, could not but be extremely meritorious; nor could they have done it more effectually, than by stirring up the rabble against the government, and making a public mutiny and exclamation against those things mentioned by him in his declaration.

The news of the treachery of your army, and of your majesty's being come back to London, was no small encouragement to them that designed to make their courts, especially to the Viscount of Tarbat, and Sir John Dalrymple, who, though the Marquis of Athole appeared the head of all, yet they were the springs by which every thing was moved and ordered so well, that he was satisfied with the vanity of the name; whereas, they were sure of the profit, without the hazard; for if your majesty had succeeded contrary to their expectation, all the stress of the disorders they could fairly put upon him; and if the Prince of Orange prospered, they knew they had such friends about him, that they would keep all the honour of ruining the government and getting the council to declare for him.

Their chief design to get this accomplished, was to get rid of the lord chancellor. The Marquis of Athole designed it, both out of family pique, and to get the government into his hands, as falling due to him after the chancellor's departure, he being

next officer of state. The way he proposed for this, was to have all the troops disbanded, which he knew would have all been at the chancellor's devotion, except their miserable general, and, bad as they were, would have been better than could have been brought against them; for the council having kept some inferior officers of the Earl of Dumbarton's regiment that came down for recruits, put them in tolerable order.

The Viscount of Tarbat proposed in council that these troops may be disbanded, being an unnecessary charge, since he believed there would be no more to do with soldiers, and the Prince of Orange had declared in his declaration the illegality of keeping up forces in time of peace.

The Earl of Perth, who was desirous to do every thing to satisfy them, and not considering their design, too easily consented to it, and trusting some of those he saw most earnest for it, next day they were all dismissed, except four companies of foot, and two troops of horse, for bringing in the publick money. So soon as they had got them dismissed, the Marquis of Athole, and the rest of the councellors that were of his party, came to my lord chancellor's own lodging, and told him, they thought themselves no longer in safety to meet in council where he was, and several others, incapacitate by law; but if he and they would retire, it would soon be seen how vigorously they would act in the king's service, and get all the rabble pacified, and the discontented meeting dismissed. Before he gave them any positive answer, he retired into another room, where the Duke of Gordon, and all the catholic councellors were met upon the noise of this advice of the Marquis of Athole's, and he told them what had passed; all unanimously advised him to be gone, and that it would look better to do it voluntarily than be compelled, as certainly they would do, now when they had begun, and had all the rabble and discontented meetings on their side. Several others likewise, out of concern for him, gave him the same advice, thinking it dangerous for him to trust an enraged multitude; these advices of his friends determined him, so he returned to these lords and took his leave of them, and went strait to the country: Before he went away, the rabble began to meet in companies upon the street, being encouraged by these lords and gentlemen I have already named, George Stirling and William Menzies; so soon as they saw them beginning to beat drums through all the town, and when the inhabitants came out to see what was the matter of so sudden an alarm, they had their friends posted in all quarters to tell them, that all the townsmen that were protestants should immediately gather together for their own defence, for they were certainly informed, that a great number of papists had got into the town, and designed to burn it that night. This made an alarm through all the town, and few staid in their houses. When they were all gathered together, and saw no appearance of any such thing, some, who were called there of purpose, proposed, that since there were so many honest men got together, it would be a pity they should part without doing something, and that they could not propose a more worthy action, than to go down to the abbey and pull down the chapel. It was no sooner proposed, but (as in such tumultuous meetings) all cried, Agreed; and in a tumultuous manner, men and boys, marched away: Captain John Wallace, who was then in the house with six score men, raised a little before by the council on that design, so soon as he heard of their coming, sent a serjeant to desire them not to come near, otherways he would be obliged to do his duty and fire; but notwithstanding of his fire they pressed on, and he gave them a volley of firelocks among them, which killed about a dozen, and wounded thrice as many; on the first they immediately run, and the noise was industriously spread by the gentlemen and lords sitting the same time at their meetings, as if Wallace had made a butchery of the inhabitants; and, to make it inflame the more, there were few burghers, or people in town of any consideration, but was said to have children killed; The first meeting was but the meaner sort and boys; but after this, the whole inhabitants got to arms, and the discontented meetings came out to the streets, and offered

their service, which was gladly received; but as they were again going against the captain, one of them proposed, that what they were a-going about might, some time or other, be challenged; therefore he advised them, that since they were sure of the Marquis of Athole, and some other councellors, he might be desired, by some of their number, to give them a publick warrant for what they were to do, and likewise might offer the concurrence of the magistrates. The advice was thought very reasonable, and deputies were sent to the marquis; he immediately sent for the Earl of Breadalbin, Viscount of Tarbat, and Sir John Dalrymple; these four signed a warrant to the magistrates, that they should go down in their robes, and with the help of their trained bands, militia regiment, and town company, should assist the rabble againt Captain Wallace, and force him to deliver up the house; and likewise that they should carry down your majesty's heralds and trumpets in their coats, to summons Captain Wallace, in the king's name, to give up the house.

The provost of Edinburgh, a timorous poor man, though very honest, obeyed their order, and went down so soon as their affairs could be in readiness, first marched the town company commanded by Captain Grahame, who a day before this was turned out of his employment, but, on his offer of service on that occasion, he was restored; next the discontented gentlemen, the chief of these were Sir James Montgomery, Houston, Greenock, Mochrum, Mr William Lockhart, Richarton, Drummond, William Drummond, clerk to the artillery; Lord Mersington,[1] the fanatick judge, with a halbert in his hand, as drunk as ale and brandy could make him; next, the provost and magistrates, with a mob of two or three thousand men; when they came within distance of shot, the trumpets and heralds were sent before to command him to surrender; Captain Wallace told them, he was put in by the council, and would never deliver it up without the king or council's command; the order then produced was but a *quorum* of the council, so he absolutely refused to obey; at which they began to fire straggling shots at one another, which made all the magistrates, and others, draw down to stairs and lairs, and left Major Grahame, the trained bands, and his company, with the rabble, to dispute the matter. Captain Wallace had certainly been able to defend the house, if he had kept his men within the court and fired out of the windows; but he left the house, and posted himself in the outer court, which, when Captain Grahame perceived, he marched out at the town post with his company, and came in by the back court, and so got behind him, which, when Captain Wallace heard, he slipped aside without telling his officers and soldiers, and left them to shift for themselves. When they knew that he was gone, they laid down their arms and begged quarters; the gentlemen and rabble, when they saw all hazard over, ran in upon them, killed some, and made the rest prisoners, and sent them to prison, where several of them died for want and of their wounds; then all the rabble rushed into the house, pulled down every thing they could find in the private chapel and in the abbey, which was but furnished some days before; next they fell upon the house where the jesuits lived, and almost pulled it down: then they broke into the Earl of Perth's cellars, and made themselves as drunk with wine as they were before with zeal; for two or three days thereafter they rambled up and down the town, searched and plundered what Roman catholick houses they could find, which were very few, except some catholic ladies whom they used villainously; nor did the council any thing to hinder their disorders.

For such of them as abhorred these barbarities, thought themselves happy to escape their rage; others were so far from discouraging these abuses, that it was generally known they were the chief promoters of them: After the noise of the rabble was

[1] Mr Alexander Swinton, Lord Mersington. When James new-modelled his Scottish ministry, it is remarked by Fountainhall, "The king divided his favours between the presbyterians and papists." Lord Mersington was a zealous presbyterian. He was of the ancient house of Swinton.

a little abated, the Marquis of Annandale, as next officer of state, called the council, and proposed an address to be sent up to the Prince of Orange, with the highest acknowledgments of gratitude for his generous undertaking of freeing them from popery and tyranny, and offers of future service; but there were so many who opposed it, so that it was stopped. Those that hindered for a while the Marquis of Annandale and his party, were the two archbishops, the president of the sessions, Sir George Mackenzie, master of Balmerino, Mr Charles Home, now Earl, and the Lord Lochmore; but though they got the address first offered stopped, yet they were out-voted when it was debated, if it was proper to send away at all, and so Lord Glains was sent up with an address very short, and in general terms, which was very coldly received, a franker one being promised and expected. The next thing gave them some work was, the apprehending of the Earl of Perth, who, finding he could not live in safety at home, and being desirous to be with your majesty, he embarked at Bruntisland in Fife, for France; but though he had disguised himself, one Cook, a fanatick, knew him as he was going on ship-board, who immediately rode to Kircaldy, where the most of that profession, in that country, dwells; and, by accident, met with a great company of seamen walking on the shore. He told them he could set them on a way whereby they might be all rich; that he had seen the Earl of Perth take ship at Bruntisland, and that he had a vast sum of money aboard, and that he was confident to apprehend him would be acceptable to many of the council. Among these seamen there was one Wilson, who had been a buccaneer; he willingly accepted the employment, and all the rest submitted to him; but to get their affairs done without hazard, they sent to the magistrates of the town, and told them of their resolution, and desired their allowance, which they very willingly did, and gave them an order; the two who signed it were Captain Crawford and James Lundee, both at that time in beneficial employments. The wind being quite calm, they got in a long-boat to him near the Bass; my lord (which was a great oversight in him) had but very few seamen aboard, who immediately rendered, and after they had plundered him and his lady, they brought them back to Kircaldy, and threw them into a common prison, and used them with all barbarity and insolence a rabble was capable of, which the magistrates rather encouraged than hindered, after they had put them in prison (as the magistrates pretended since) to secure them; one of them went over to the marquis, and told him what their townsmen had done, which he not only approved of, but gave an antedated order for their warrant; but this his lordship denies, and they affirm they still have; so I shall not determine the truth of it; the Earl of Marr and several others told me, when they came afterwards to London, that they had seen it. What to do with him made a great debate in council; the Marquis of Annandale, and all his party, were for sending him to Stirling castle; others were for his liberty; besides the Earl of Cassils, who was made one of the council a little before; but they were out-voted, and the Earl of Marr was sent with orders to Kircaldy, to carry him to Stirling castle, which he commanded on pretext to secure him from the rabble; and thus took him out of their hands, but mended nothing the barbarous usage, for first he was carried to the Earl of Marr's own house at Alloway, where they kept centuries standing within the room with him, and then made him close prisoner in Stirling castle, where he remained almost four years.[1]

1 The following curious account of his captivity is contained in a letter from the earl to his sister, copied by the Editor from the original manuscript.

Stirling Castle, 29th December, 1688.

" My dearest Sister,

" I cannot express how much your most obliging letter of the 20th instant was refreshing to me in this my present condition, which, that you may the better know, I will inform you of what happened since my Lord Erroll parted from me.

" Upon Tuesday was seven-night, Blair came from Edinburgh, and told me that the king was gone into

The marquis and most of the council began to prepare for going up to make their court; but that they might do it the better, it was voted in council, that they should desire the lords of treasury to pay their expences, which was likewise carried; the Mar-

France, &c. and that if I did not immediately gett away, I was a gone man; that he had provyded a ship, which would be ready to saill next night by 5 a cloak at night from Bruntisland, and bid me make all haste to that place, for the snow in the Ochells was deep, and if I rode in day-light I could not escape, and having said this, away he went towards Bruntisland, and left my wife and me to disguise ourselves the best way we could, which indeed she did so well that I could not have known her, but I could find no means to keep myself from being known to every body. She went one way and I another from Drummond, about 6 a cloak. She went only to Duming, but I went over the hills through heaps of snow at a place where never one crossed before, and gott before day two miles beyond Kenross, where my master Mr David Drummond, whose cloak-bag I carried, and I, staid until one a cloak afternoon next day, which was Wednesday, and then through unfrequented ways we gott to Bruntisland about 5 a cloak at night, but to our ruin (though my wife was already before us, and nothing on our part hindered) we wanted two men of our ship's company, and so not only were forced to lie in a common inn that night, but to go over to Leith roads, and lie 5 hours, until our master went a-shore and took up two men and brought aboard. So about one a cloak afternoon we came under sail, and with an easie gale, made towards the mouth of the firth. My wife was known to nobody, nor did any body suspect her with us; but two fellows who lay in a bed in a room without that in which I lay at Bruntisland, knew me, and one of them run to Kirkaldy about 10 a cloak, before ever we gott out of Leith roads, and told I was aboard of such a ship, with four horse-load of money with me, that the councell would give 1000 lib. to any who would apprehend me, &c. and sett all the town in an alarm, and one Bailly Boswell (who owed many obligations to our brother) animated the people so, both by expressions and example, that 25 of the desperatest fellows of the place followed him to man a passage boat (an excellent sayler) to pursue us, who dreamed no danger save from storm and Dunkirkers.

" Boswell's wife, fearing we had had some with us to defend us, waded into the water and took back her husband; so one Wilson, a notorious thief, who had been fifteen years a buccaneer, (if you have yet heard of that infamous sort of men) headed the rabble, and with saills and oars (for now it was almost quite calm) they followed us till near night that they overtook us. Dr Nicholson (who only accompanyed us) began to dread that the boat meant us no good as soon as ever he saw him, but I did not. However, when she came near, the master hid my wife and me. They came aboard like so many furys, and asked for me, and had it not been for the falsehood of one of our men, they had gone off again. But one of our own people betrayed me, and so they broke open the place where we were hid with hatchets; my wife would have fain gott out first to have exposed herself to their fury, but I pulled her back, and then they pulled me out, threw off my hat and periwig, and clapt their bayonets to my breast, for a great while keeping me in the expectation of being murdered. I cryed to them (for they were all very clamorous at once) to save my life, which at last they said they would do. But they pulled us up out of the cabine, and so soon as my wife could gett on her cloaths (for she was in men's disguise) they forced us into the boat. By this time it was night, and we within three miles of the Bass, so that to have sailed two hours sooner had preserved us. They begun to smoak tobacco, and speak filthy language beside my wife so soon as ever we were into the boat, and used us with all the barbarity Turks could have done, keeping my wife five hours without shoes, or any thing on her head: And having rode twenty-four miles the day before, being with child, you may judge if the condition she is now in be not bad enough. They had not sailed and rowed many hours from the ship (into which they had left eleven of their men to bring her back) when they heard a musket shot from her, and took it for a sign to go back. We must go and see how all went with their comrades; and back we did goe, and found they had gained our skipper to play the rogue with us, for he had pretended they had stolen the stock purse of the ship, with 100*l.* sterling in it, and there we must all be searched. One fellow moved that if I had any gold or money I would give it them to keep it for me, seeing that at Kirkaldy the rabble would robb me undoubtedly. I told them that if they came with a warrant to take, I was to yield to the terms of it, if not, and that they would use violence, I must submitt, but I saw no colour they had to ask my money; however, finding they would search, and haveing what I had no mind to lose, I resolved to give them six score guineas I had in a bass provideing they would be answerable to me for it; and I myself choosed one to give it to. All night we were, whiles in the boat, whiles in the ship; and about nine a cloak on Friday they put us ashore at the peer of Kirkaldy, exposed to the mockery and hatred of the people. The baillys came and mett me, and denyed that any of them, or of the substantiall people in town, had authorized, or did approve of the matter. Then I pleaded to be sett aboard of our ship, that I might be gone, but they (haveing really edged on the people to take me) pretended they durst not do that without a warrand from the councell, and in a solemn procession they carried me to an inn, accompanyed with the whole rabble of that place, the better sort being in the windows. At the inn they would not lett me send away some letters I had write before in the ship, untill the rabble had them read to them: And the baillies (Lundin and Crawford, who held their places of me) told me that only Bailly Boswell had interest with the people, and so all application must be made to him. We had not been half an hour in the inn when the baillies called for my gold, which the buccaneer produced: haveing first taken the half of it; next the gold must be deposited in the hands of Bailly Boswell (the tribune of the people) to be theirs if the counsel so ordered it, and in the next place, 100*l.* sterling, which I had in money aboard, was to be put in that bailly's hand likewayes; or else I was to be cut in collops (for so the rabble swore when they drew their swords about

quis and Viscount of Tarbat, were very ready to comply, since they were to have their share; but the Earl of Tweddale (who with these two were all that were in town of the treasury) was not then in a condition to go up himself, and absolutely refused; so, for want of a *quorum*, the whole project was broke, and they were forced to go on their own charges; after the Viscount of Tarbat, Sir George Mackenzie, and the president of the session were gone, the Marquis of Annandale took upon him absolutely the government while they stayed.

There was at least some decency kept, but they were no sooner gone, but the marquis, like another Mazenello, ordered all at his pleasure, turned out several from their employments about the treasury, customs, and other places, and put in creatures of his own, and when he had ordered all as he thought fit, he followed the rest of the council, and left the Earl of Strathmore, and some others of the council of his own party, to manage in his absence.

Never was such a confluence seen on the road of all sorts, degrees, and persuasions as at that time going up; for no sooner was it known that your majesty was gone, and the Prince of Orange come to London, but all that could scrape so much money together went up, the presbyterians and discontented noblemen, gentlemen, and ministers, to receive the fruit of their labours and great promises; the episcopal party, to

the house to that end.) This being done likewise, their next desire was, that I should be immediately carried to their tolbooth, for the inn was too good for me, which was immediately done, and there we called to gett a little meat, for we had watched and fasted long. Before the meat was gott ready, they sent over two of their number to Edinburgh to gett the councell to approve of what was done, and they were not gone an hour when the people began to fancy that some people might rescue me, and burn their town, and all the town gott into a tumult to have me immediately sent to Edinburgh; (though the tide did not serve, and though they knew that at Edinburgh I had been torn to pieces, for there they believed that Johnny Wallace was commanded by me to fire upon the people, and to shoot poisoned shott) with much difficulty this was diverted, and on Saturday we gott an account of the counsells approving of my being apprehended, and that the Earl of Mar had gott orders to carry me prisoner hither. On Saturday night Earl Mar came, and intended to have carryed me away on Sunday; but (upon what design God only knows) one made a story about ten a cloak on Sunday as if Pitkellony had gott together 500 men, and came down to Kirkaldy, spareing neither sex nor age, burning and slaying: So the whole people left houses and churches, the streets were filled with crys and clamour, women wringing their hands, and men cursing the day that their town ever meddled with me. But at last it turned to fury, and they began to call for cords to dragg me down the tolbooth stairs by the neck; and thus matters continued untill they sent people six or seven miles off to try the verity of the cause of their fear. The hole we lay into was cold, strait, and ill aired; the bed so bad we could not lye on it, and a continual clamour about the prison: yet here we stayed Munday all night too, and (the wind comeing easterly,) we were put aboard our boats, with above 100 men for our guard, (my takers being always next to me lest I should escape.) About ten a cloak on Christmas day, and in five or six hours time, we gott to Alloa, where a guard from Sterline met us. In all the matter E. Mar was most kind to me, but at Kirkaldy the rabble mastered him, so that he durst not speak. You may possibly wonder how the councill would homologate the rabble's deed in taking of me, and how I, haveing the king's commission, should be made the counsell's prisoner, which is no councell if I be not at their head. But this will clear itself in tyme, and all these mysterious things come plainly to the view of the world. Here I have a centinell at my door at night, and, with an officer, I am allowed to go about the house. My room has no prospect from it save that narrow court called the Lyon's Den, and the place is most inconvenient to live into. But, after all, my dearest sister, let me tell you, that (except while the daggers were at my breast that I was somewhat confused) I have not one less contented thought than I had while Scotland was at my beck, nay I am exceedingly more satisfyed, for now I am under the great Phisitians hand, and I can say with joy to him, Burn, cutt, administer bitter things, provided all my sufferings be here. Yes, Lord, lett me dye in the agony of sufferings, amidst tortures and disgrace, provided it can either advance thy honour, the interest of thy holy church, or the salvation of my own soul, or that of any other. I confess many of my friends, of whom I had far other thoughts, have left me. My own tenants have presumed, with Comrie at their head, to enter my house, and domineer there over my children and servants. My enemies, who are such without any cause, insult over me, the rabble curse and would tear me to pieces. The grief of a few friends melts my heart, the prospect of approaching death cannot but be uneasy to flesh and blood. But in all this I have a clear concience, an innocence unspotted in all my administration, an excellent religion, a good cause, and an infinitely mercifull God; so that on him I do relye, and will do so as long as I live, that I may be his to all eternity.

"It is very like that the liberty of writing to any body may be very soon taken from me, so I beseech you to send this letter either to my son or our brother, but do it by a sure occasion, and keep a copy of it; what else I have to say I will put in another letter. I earnestly pray God to bring you to the light of his truth, and make your lord, you and your children, every way happy. Adieu."

endeavour to save themselves from the ruin they saw inevitably coming upon them by their enemies getting the absolute disposal of the government both in church and state; but their number was nothing to be compared to the others, after they had met with their friends from Holland. Every night after they were once gathered together, they kept their meetings in St James's-street at the Ship tavern, then they consulted what was next to be done, both to get the government in their hands, and how to hinder all others who were not of their party.

One of the first things proposed was, who should be for ever incapacitated for all publick employment; five only were named at first, and sent with Monsieur Beatton to the Prince of Orange, at the desire of the whole meeting, and these were the Duke of Queensberry, Viscount Tarbat, Sir George Mackenzie, Viscount of Dundee, and myself; but the Prince of Orange absolutely refused, being resolved to put nobody in despair, till once he knew how they intended to behave for his interest; which stop made us go on no further in that affair, though they intended (as was mentioned) next parliament, that all should be incapacitated who ever had served your majesty in any employment whatsoever. But this took so many in, and so many of themselves and friends being concerned, it was likewise hindered, not only by the Prince of Orange, who desired not to be confined to them, but by most of the leading men among them, who accepted the chief employments, and particularly the Duke of Hamilton, whom I cannot pass by, without giving your majesty some account of his behaviour, not only in this affair, but a little before; and especially what I was most concerned in myself.

The day after your majesty's first going from London, I came there, and hearing the unhappy news, I thought it was reasonable to desire the advice of all other counsellors who were there, what I should write to the council, who had sent me up to receive your commands, and let your majesty know the condition of the kingdom, and give you new assurances of loyalty and fidelity, in terms very different from what was alledged by some.

Before your majesty went away, as if the council of Scotland had been sending some of their number to join with these that had petitioned you for the calling of a parliament, after I had got together all the counsellors, which were the Earl of Airly, Lord Livingstone, Viscount of Dundee,[1] Lieutenant-General Douglas, we went to the Duke of Hamilton's lodging, where I told them on what account I was sent, and now that your majesty was gone, desired their advice what I should write home; for all that time we knew nothing of what troubles had happened, and gave the duke a letter from the council, wherein they desired he might assist me in receiving your majesty's commands, and letting you know the condition they were in. So soon as he read his own, he desired to see the letter I had brought to your majesty, otherwise he would not meddle in our affairs; to satisfy him I gave him a double of it, and though he pressed with all the passion his natural fire and insolent temper could permit, that I might give him the principal, I absolutely refused to do it at all; and I had no reason, since he was not to deliver it, and that your majesty was gone: This put him into such a fury, that he no more could conceal his design of desiring the letter, and told, that if he had the principal letter, he should give it to the lords met at Whitehall, to shew them what a letter I had brought up, subscribed by a chancellor and several other counsellors still sitting there contrary to law; that he would meddle in nothing wherein they were concerned, and that he was free himself, having never acted since the last indemnity, but that he would consult with the English lords what was proper next to be done; and so in a rage left us in his own house. But three days after, when he heard of your majesty's coming back from Feversham, and that things were like not to go on as he

[1] The celebrated James Grahame of Claverhouse, Viscount of Dundee.

expected, he sent for the Viscount of Dundee, and made great excuses for his passion, and desired him to go to us all and offer his friendship, and in his own lodging prays and entreats us, that we might make no more of it. After your majesty's coming back, no man for the short time you staid, appeared more concerned for your service; but your majesty had no sooner come to Whitehall, than he had his coach ready, and went straight to the session-house to the Prince of Orange, and offered him his service, and was received more kindly than any other, not of affection, but that he saw him the fittest tool to manage the different interests of that nation; for with the discontented noblemen and gentlemen, none appeared more dissatisfied with all that had been done in the former reign, though none had a greater hand in all that was done.

With the presbyterians he always pretended he had been in their interest, and what he did that looked like compliance in the former government against them, was only to keep them from greater misfortunes. With the episcopal party, at least with such as trusted him, who were very few, he begged they might suspend their judgment of him until a convention, and then it should be seen who were most for the interest of the king and the nation.

With these pretexts, which is no hard task for men that will abandon for their interest all truth, honour, and religion, he cajoled a vast number of all persuasions, and made himself thought absolutely necessary; which was the only thing he aimed at, both in your brother's reign, and your own; and, to carry on this the better among different parties, in appearance, he meddled with none of their meetings, for that would declare him too much a party, until he got all things ready for their great meeting held at Whitehall, whereof he was chosen president; he proposed the great disorders at home, that all the nation was cast loose without any shadow or order of government.

Therefore it was absolutely necessary, that the government should be lodged somewhere, until a convention of estates were called; the great disorders that had fallen out, and the licentious liberty the mob had taken, made many comply to that proposition, though extremely against their inclinations; and what made it pass the easier was the time of this government, being prefixed to so short a day as the 16th of March, 1689; besides, it could hardly be avoided without being imprisoned, all the road being stopped, and passage absolutely denied, and so would have rendered them incapable of appearing for your interest. In the convention met then, the Earl of Argyll did read over a short paper, wherein he told them he believed there could be no other means to restore peace and happiness in Britain, but to send to your majesty, and desire you would return.

There were a great many there, who would willingly join in such a proposition, but his lordship brought it in without letting any of your friends know it; besides, at that time the Earl of Erroll was extremely suspected both for his going into the Prince of Orange on the first noise of your majesty's going away, and the great interest his father had with the Prince of Orange, and all the fanatick discontented party. The most sensible and best of your friends judged likewise, that though this proposal seemed just and bold, yet it was then ill timed, considering if any had joined with him, the Prince of Orange would immediately have sent down troops to Scotland, which would inevitably hinder all appearance for your interest in the convention, which was believed to be the only place proper to appear in, and that at that time, no wise man ought to do more, but to get out of the claws of their enemies. In this meeting there was nothing else done, but an offer of signing the association; which all refused, who intended to act for your interest; after that was over, both parties made what haste they could to get home, but still the Prince of Orange denied passage until he was declared king, which was thought he did, that all the Scots there might kiss his hand, which would be a kind of acknowledgment; but, notwithstanding that, Duke Hamilton and all

those that came over from Holland, and several others, went and did it; yet many of the Scots even of those who were as violent as any, refused it; which was extremely ill taken.

How to behave in that convention to sit in March, puzzled not a few: but all the loyal party, some thought they could not, in conscience, go to any meeting called by the Prince of Orange; that it was a breach of their oath in the test, to sit in any meeting not called by regular authority; but others judged, that since your majesty was not in a condition at that time to call a convention, they might very lawfully go, since it was only to serve you, that they exposed themselves to a victorious and insulting enemy; but your majesty sending over George Hay just at the time when these resolutions were a forming, made all your friends resolve to go down; and since they knew you allowed them, to endeavour to make all the interest they could that members might be rightly chosen.

The Marquis of Annandale was come up a little before I, to receive the rewards of his service; but he was dryly received, and so many enemies about the Prince of Orange, that he began again to look to his old friends, and made great apologies for what was past in Scotland, and promised his assistance in the convention.

There was so much need for help, that he was received, and all your friends joined to go down to Scotland, to prepare your friends in the several counties and towns for the election of commissioners; but it was too long before it was resolved on, and many of the loyal gentlemen absolutely refused to meet on call, which gave the Prince of Orange's party and fanaticks great advantage; yet notwithstanding of these disadvantages, if forces had not been sent down, and all the aforesaid persons admitted without any repeat of a thing never heard of before, your interest had been asserted in that convention.

The first that came down of either party, was the Viscount of Dundee, and myself; when we came to Edinburgh, about the end of February, we found that city in a great quiet, and generally well affected.

The college of justice to free themselves, after the Marquis of Annandale left his government, armed themselves, and made up a battalion of very good men, which kept all the disaffected in great awe; but Duke Hamilton believing they would not be for purpose, got an order sent down with Commissary Munro to disband them. On our first coming we waited on the Duke of Gordon, who was capitulating to render up the castle of Edinburgh; at our entry to the castle, we met all the duke's furniture coming out, which gave us small hopes of his keeping it; but we had the good fortune to convince him, that it would be so much for your majesty's interest and his own honour, that he promised to keep it out until he saw what the convention would do: I say not this in the least to disparage any thing he did, for I saw him have very good inclinations to do for your interest; but his never having orders from you, and his hearing all other forts and places given up, discouraged him extremely. He had likewise a great temptation from the Prince of Orange, for he wrote to him a very obliging letter, with full assurance of indemnity and protection; but notwithstanding of that, and of several advices of such as he believed wished him well, and who haunted him constantly to get him to deliver up the castle, yet he resolved to hold out; but the great error he committed (though several others were laid to his charge that were not true) was, after he had resolved it, he did not get it provided; for then the city of Edinburgh would not have denied him any thing, or, if they had, he could easily have compelled them. Some days before the convention sat down, the Duke of Hamilton, and other western lords and gentlemen, brought publicly into town several companies of foot, and quartered them in the city, besides great numbers that they kept hid in cellars and houses below the ground, which never appeared until some days after the

convention was begun, though they were generally believed to be thrice as many as there were. This was the first error committed by your friends, for in reason they ought all to have left the convention, and gone and sate in some other town by themselves, which they might have done safely, but there was so great hopes of doing well in that meeting, that it made many unwilling, notwithstanding of their hazard, to leave it; nor, can I say, wanted there probability for this opinion; for if several had not left us after all the reiterated oaths imaginable, and others admitted into convention by absolute force, we would have been by far the major part; but such injustices were never heard of as was committed in their judging of elections, for if any of their party had six votes, the other had had an hundred, signified nothing. Besides the manner of elections was out of all rules ever before heard tell of, and a new way taken which was proposed by the Lord Stairs, that all protestants, without distinction, should have votes in the election, which put it entirely in the hand of the rabble, which they managed some by promises, and others by a little money. Not even could all these sinistrous arts and tricks have compassed ends, if your friends could have had an honest man to be president, that was not publicly obnoxious to the fanaticks, which forced, notwithstanding of all that was passed, to pitch on the Marquis of Annandale, not that they had confidence either in his parts or honesty, but he was the only man could be set against Duke Hamilton. Both parties were extremely concerned, looking on the choice of a president as a decisive stroke; for by it they could know whom to reckon on; nor had they small reason for their judgment, for the first day the Duke of Hamilton was chosen president, contrary even to their own expectation, above twenty left us that had engaged to us, and voted for us, seeing we were the weakest party, and that the other would have both forces, and shew authority on their side. The next thing they voted, was a committee of elections, which they got filled with their own party, and ended the affair; for by that they saw themselves so strong, nothing could be heard among them, but put it to the vote, which they always carried without debate, and so scandalously, that even Duke Hamilton, who (to give him his due) understood reason and the law of the nation at another rate than any tumultuous carriage, and several times endeavoured to hinder it; nor can I say, if this cause had been good, but he behaved himself until it came to the chief matter, with a great deal of prudence and moderation, in so much that some of their own party began to repent of their choice. Some few days were taken up in judging of elections, which would have taken much longer time, if several who saw there was no manner of justice so much as pretended to among them, had not given it over and yielded, which made them grow stronger every day. None concerned in that affair of elections, behaved so well as Mr Charles Home; after his brother, the Earl of Home's death, the title fell to him, but by reason of the debts of the family, he did not take on him the title, fearing to lose a considerable interest that was left him, with this provision, that if the estate of Home came to him, then that estate should go to his younger brother; so not pretending to be a peer, he was chosen one of the commissioners for the shire; but when it was brought before the convention, he was cast as one they expected would be none of their friends; so soon as the sentence was pronounced, he told the president, since they had taken away one way of his sitting in that convention he had right to, he should try another which they could not refuse him; and so went out and took place as Earl of Home, with the hazard of losing the best part of his estate.

There was likewise another extraordinary affair of that kind, one Mr Baillie of Torwoodhead, that had pretended some years before to be lord Forester, but was summoned before the council for usurping a title he had no right to, and discharged under a considerable penalty, never more to pretend to it; but these at London, who had the writing of letters, not knowing his title, or, more likely, believing he would be in their interest, procured him a letter from the Prince of Orange, to come to the con-

vention. So soon as he was challenged by Sir George Mackenzie he produced his letter, which was voted a sufficient right to sit; several, as unjustly as these, were received; I only instance them, to shew how that convention was constituted, most of the commissioners having no right. The first thing they took into their consideration, after the house was thus constituted, was the getting of the castle of Edinburgh into their hands: That which pressed them most to it, there were two pretending to have the government of it, the Earl of Lothian, and the Earl of L——n likewise. It being the first of any consideration in Britain, holding out, the Prince of Orange was very desirous to have it reduced, the Earl of Leven and Tweeddale were sent up to capitulate with Duke Gordon, who promised them he would comply with their desire, and give it up next day at ten o'clock. So soon as the Viscount of Dundee and I heard them give this answer to the convention, we were mightily alarmed, and sent up one immediately to remember his grace of his engagement to us, and to lay before him the ruin of your affairs if once they got the castle in their hands. As irresolution was the cause of his promise to them, so what arguments were used to him on the other side meeting with his desire to serve you, brought him about again, his greatest obstacle then was, how to come fairly off; the Earl of Tweeddale, with his flattering insinuating way, had got him to go too great a length, for that, it was advised that next day when they came to demand the castle, he should tell, he would willingly give it up, but he could not see how he could be safe himself from the rabble of the town, and those that were brought into it; but, to free them from all fear he should give the convention any disturbance, he should offer bail for twenty thousand pounds to live peaceably in it; but though he was very well satisfied with this advice, yet that night he grew again irresolute, and sent to tell us, that except we came to him immediately, he would not keep his word. This was impossible to do, for they having placed the town companies of Edinburgh upon the Castle-hill, suffered none they suspected to go up; yet one ventured to him, to know what he had to say to us? He sent us word, that notwithstanding of all was past he would deliver it up, except we both gave it under our hands, that it was of absolute necessity for your affairs not to yield it up, which we both did that night; and next morning the Viscount of Dundee got into the castle, and confirmed him absolutely in his resolution of keeping it out, by telling him the resolutions were taken by your friends of leaving Edinburgh, and setting up at Sterling: so next day, when they expected to have the castle at the hour appointed, he refused again, and hostilities went out.

Being thus left by many of those we trusted, and despairing of doing any thing in that convention, next day we resolved in our general meeting, that we would quell it, and call a convention at Sterling; but your majesty had given power to the Archbishop of St Andrews, the Viscount of Dundee, and myself, to do by a letter you sent us from Ireland, by one Mr Brown; but before we could determine, if that it was of absolute necessity to be secure of the Earl of Marr, and Marquis of Annandale, the one having command of Sterling Castle, and the other that he might bring us highlanders to be a guard to the town; the Earl of Marr[1] had all along appeared one of the firmest in your interest from the time he came to London, so he gave us all the assurances imaginable, that he would be according as the major part thought fit; the Marquis of Annandale also consented to leave Edinburgh, and go straight to Sterling; but he never continued six hours in one resolution, which broke all our design; for his wavering made our departure be put off, still expecting he would be brought about to do it; at last, a positive hour was condescended, one and several made themselves ready whom we hardly ex-

[1] The same versatile earl who afterwards carried through the union with Scotland, and who also, disappointed in his ambitious views at the accession of the family of Hanover, headed the Scottish insurrection of 1715, which ended in the ruin of his own and many other noble families.

pected. After it was resolved to be gone, it was thought fit by all your friends, that one should be sent to let you know the reason of our leaving the convention, and receive your commands, which the Laird of Cullen undertook that before we was to go off; just as the convention was sitting down, there came one to the Viscount of Dundee,[1] telling him, that there were six or seven men in a house intending to murder him and Sir George Mackenzie,[1] and that if he would get a warrant he might instantly carry them to the house where they were; so soon as the convention met, he told this to the Duke of Hamilton, who proposed it to the convention, but they absolutely refused to meddle in it, but went to other affairs. This made the Viscount of Dundee press yet the more to be gone than before; so evident a piece of justice being refused him, though he offered to prove it at the bar, neither was there any of your friends who could think themselves longer safe, which certainly the other party was extremely glad to see, for all they desired was to have the house alone: It is not to be doubted but they made several such things to pass purposely to frighten us, but it was hard trusting men who had the power in their hands, that they would stop to put it in execution what so many of them have publicly professed, and at least, not condemnedly, the most moderate of the party, when their interest or revenge was concerned. But after all of us were fully determined to make the best of our way the next morning to Stirling, the Marquis of Annandale's heart failed, so some who went down to him, thinking to get him to go along, he desired we might go to the place we ordinarily met in, and stay yet another day, which we all consented to, and that we might the better cover our design of going away, we resolved to go for that day to the convention; just as we were almost dispersed and gone to the house, the Viscount of Dundee came in, who knew nothing of the Marquis of Annandale's delay, nor of your friends resolution to stay a little longer for him, but expected all was just a-going; he was mightily surprised at their resolution, and told me, notwithstanding of that, he would go before, and if any got out in town he would wait for them.

It was very evident his going away would give the alarm, which made me extremely earnest that he might stay one day longer; but he had before made an appointment with some to go with him, so he went straight away with about fifty horses. As he was riding near the castle of Edinburgh, the Duke of Gordon made a sign to speak with him at the west side of the castle, where, though it be extremely steep, yet he told the duke all that was resolved upon, and begged he might hold out the castle till your friends might get him relieved, which he positively promised to do. Whilst they were speaking, some of those who were set to blockade the castle, perceived them, and came running into the convention, and told them, That there was a great number of horse gathering together, and that the Viscount of Dundee was talking with Duke Gordon, which they looked on as a horrid crime; after they had outlawed him, their fears also increased, believing it was a general design against them, and that which augmented their fright the more was, that several messengers brought word after other, that they were still increasing; at last the Duke of Hamilton, in a mighty fury, told the convention, That now it was time to look to their own safety, since the papists, and enemies to the settling the government, were so bold as to gather together; That he doubted not but there were several there among them who were on the design, therefore it was his opinion, that the doors should be immediately bolted, and the keys laid on the table; That some of their number should be sent out to beat drums, to gather together all those well-affected to religion and liberty; That he had brought some foot from the west country, fearing the designs of their enemies to defend them. What

[1] Dundee as military executioner, and Sir George Mackenzie as criminal prosecutor, during the persecution of the covenanters, were of course peculiarly obnoxious to the western men who had been brought into Edinburgh in arms.

he said was approved of by all their party, several of them also bragged of the numbers they had brought, and called them thrice as many as they were: The Earl of Loudon was pitched upon to go out and gather them together, which when he had done, there never were so miserable a parcel seen; nor is it to be doubted, if your friends had known their own strength, and not believed your enemies to be far stronger than they really were, they might, with all the ease imaginable, that day have effected and vindicated your right, and defeated your enemies.[1]

Such of your friends as were locked within the house, and guarded likewise without, looked on themselves as undone; and the thing that saved them was, that they could come to no resolution among themselves, but I cannot say much of their intentions, having it from some that changed parties so often that I cannot assert nothing on their credit. The fear being a little over, and that they saw they had the most of your friends in their power, and that there was no tumult in town, nor that the Viscount of Dundee grew any stronger, but was marching away; so they ordered one Major Buntein to gather all he could together and follow him, which he did; but never came within sight of him.

After that they had secured the town, and thought themselves out of hazard, Duke Hamilton dismissed the convention to the great satisfaction of all your friends, little expecting they would come off so easily, and all this noise ended in nothing; but with that also ended all hopes of setting up another convention at Sterling, for the Marquis of Annandale gave it quite over, Earl of Marr made a feint to get out of the town, but went by the only post that was guarded, and was stopped there and brought back, and gave his parole not to stir out of Edinburgh without leave of the convention; these two giving it over, every body that was apprehensive shifted for themselves and lurked in Edinburgh; next day there was a mighty change, for several, either out of fear or interest, left us; those of note were the Earl of Marr and Argyle, who changed thoroughly, and went along with every thing that could be proposed; several also, both of barons and burgesses, did the like, so that by such of their friends as left the house, which did likewise some of the bishops, they got their meeting almost to be unanimous.

The night thereafter, they searched the town for some officers they suspected, yet found none, but one that had a mind to be taken, Lieutenant-General Douglas. When he went to England with the army, he certainly knew nothing of any design among them, but he had not conversed long with the Lord Churchill, Kirk, and some others, but he grew one of the hottest of the party, insomuch, that he proposed to my lord to betray and carry in his regiment, as I was informed by the viscount a while after; before he made the proposition, he told him he had one affair of great consequence to them both to tell, if he would give his oath never to reveal it, which when he had done, though he abhorred the motion, yet he thought himself obliged in honour to conceal; so soon as he cleared himself to Duke Hamilton of any design he had against them, he was dismissed; this he could easily do, for none in all the Revolution acted a blacker part, for he not only sent in a battalion of the Scots guards, but was on all the designs of betraying, and above all, laid down his employment to get the greater credit with your friends, and at the same time was engaged to the Prince of Orange, to let him know what passed and was designed by his enemies.

Being now free of most of these that obstructed them, some quitted the house, and others joined with them, they fell heartily to work with the affair upon which they had met, but fearing lest the Prince of Orange should think they went slowly on, they

[1] The sudden appearance of these concealed forces is described by Sir John Dalrymple with the pencil of a painter. "They shewed themselves," he says, "in the streets, not indeed in the proper habiliments of war, but in arms, and with looks fierce and sullen, as if they disdained their former concealment."—DALRYMPLE'S *Memoirs*, vol. II. p. 306.

sent up the Lord Ross with a letter containing the reasons of their delay, which were, that now they were free from those who had opposed the settling the nation, and doubted not but to come shortly to conclusion to his satisfaction; next chused a committee for settling the government, and another for considering the present state of the nation. What was done, or failed in either, I cannot give a full account, having first left the house, so can say little but from other hands, and both parties being concerned the one against the other at that time, a considerable allowance must be given to both their reports, if one desire to know the truth impartially; but still there remained some of your friends that gave them some trouble, particularly Sir George Mackenzie, the Archbishop of Glasgow,[1] and Mr Ogilvie, who behaved themselves extremely well, when the chief affair came in of settling the government; but reason signified little to men that were resolved to go through with what they had begun, nor could it have signified much upon another account; for among them all (generally speaking) there was never seen such a set of men gathered together, for they had few, save Sir James Murray and John Dalrymple, that could make the least reply, but only put it to a vote, which they were sure to carry among themselves; likewise there were some divisions, some would have the crown declared immediately vacant, as was done in England, and the Prince of Orange proclaimed; others (who were cautious, would willingly have seen a little better about them before they made so bold a step) proposed an union with England, and took all the pains imaginable to engage your friends into it, and so bring them back to the house, alledging, there would be nothing so much for your interest as the gaining of time, and if that this proposal did not go on, the government would be presently settled, but if it were once set on foot, and your friends assist it, several months would be spent before any such treaty could be ended.[2]

The chief of these who managed the affair, were the Viscount of Tarbat and the Lord Stairs; your friends soon perceived that they only designed to do this as effectually for the Prince of Orange by an union, for all that were for this have consented to the Prince of Orange's being king, and to all that was done in England; thus to free themselves of the odium of such a deed your majesty's business succeeded and ended, then they wanted not apprehensions, for your affairs in Ireland were vastly magnified both by your friends and by your enemies; this prospect took extremely with these that had a mind to trim, or were not in hopes of employments, but there were two different interests in the house against it; for Duke Hamilton, and all he had influence upon, who expected the great employments for himself and children, as the reward of his service; then the bigotted fanaticks, who feared that such a union, where the church of England was the strongest party, might be of ill consequence to their kirk, which they designed not only to establish upon the old foot, but according as they did before, endeavour the reformation of their brethren in England.

The two parties were by far stronger than the trimmers, especially since your friends would not meddle, so that they never ventured to propose it publicly. A few days after they were certain that the Viscount of Dundee had gone by Sterling to his own house, they sent an herald and a trumpet to command him and my Lord Livingston to return, under the pain of being denounced rebels to the estate. My Lord Livingston obeyed, and was immediately dismissed, being then no member of the house, and having nothing to lay to his charge; the Viscount of Dundee wrote a letter excusing his not obeying their order, wherein he gave the reasons for which he left the convention, which were, that he could stay no longer in that place, after that he had told,

[1] John Paterson, son of John Paterson, Archbishop of Ross. He had been preferred to the see of Glasgow upon the arbitrary removal of Alexander Cairncross in 1687.

[2] There was a design to make the union and settlement of the crown go hand in hand. And certainly, in the distracted state of England, Scotland would have obtained better terms than it was afterwards her lot to acquiesce in.

in full convention, of so many of his enemies who designed to murder him, yet could have no justice; he told also, he could not think that convention any more free, wherein there were so many brought in from the western countries to overthrow its members, nor where they were guarded with foreign troops, for just at this time Mackay was come down from England with four Dutch regiments; but if they would do him justice, and give him assurance of liberty, he promised to return immediately.

I have given this account the more full, because it was insinuated, after my Lord Dundee went to the Highlands, that several of your friends broke their engagements to him, and did not go along, but was so far from being in any such engagements, that they would have disobeyed you if they had gone, for your positive commands were sent with George Hay. That if we saw there could be nothing done in the convention, then we should quit it, and keep as quiet as could till farther orders, and until you could send us assistance from Ireland; but the design of going to Sterling made the one go for the other, so that was ruined by the faint-heartedness of the Marquis of Annandale, and some others. All that knew your commands endeavoured to retire home, and save themselves; nor did ever the Viscount of Dundee resolve to meddle until he had your orders, except he had been obliged to save himself from a party that came to apprehend him. Notwithstanding of the difficulties that your friends had met with, some of them did not give over hopes of breaking the designs of the convention, and get another to meet in some safe place: that which raised this was the coming down of the Duke of Queensberry; the duke from the noise of the invasion had appeared sincerely in your interest, and must do him justice to say, I never saw any man more concerned than he was for the steps his son[1] made in England, after your majesty was gone; he joined in all the meetings we had for your service, and employed what interest he could to get commissions for the shires he was concerned in chusing as we wished; nor could any thing be complained of him, but his too long stay at London, for if all your friends had appeared as they promised the first day of the convention, they had by far been strongest; and if Scotland had then declared for you, when you was almost master of Ireland, the Prince of Orange had passed his time ill in England, considering he had France to deal with on the other side. This made us extremely concerned, since that we could do no more in that convention, either to get another to counteract them, or to get them forced from Edinburgh, which would have made a great delay before the time they could have another convention established, and which they intended to set up at Glasgow, if they had been forced from Edinburgh. The only thing could be thought of by all your friends to get this done, was to engage the Duke of Gordon to fire upon the town; which certainly would have broke the convention, for they always suspected some design of forcing them from Edinburgh. In this resolution, no man seemed so forward as the Marquis of Annandale, for it was of great concern to have him so; for after the Earl of Marr[2] had entirely quitted us, and by that they had got Sterling into their hands, there was no man in the nation (considering how all affected his Highlands were) could be so useful, if your friends had retired northwards, as was intended, till they had received your orders from Ireland; and that which made us depend on him (for all the escapes he had made) was the great influence the Earl of Dundee had with him, and he applied all his endeavours to keep him to his duty, and acted in all your concerns with as much zeal and affection (till he was made prisoner) as any ever served you.

The Countess of Errol, who had kept intelligence with Duke Gordon, from the time the castle was blocked up, undertook to let him know our advice, which accord-

[1] Lord Drumlenrick, often previously mentioned.

[2] The Earl of Marr was hereditary keeper of Stirling castle, and his feudal strength lay in the vale of the Dee, bordering on the Northern Highlands.

ingly she did; but he absolutely refused to do any thing but defend himself, until she had your majesty's orders; so our whole designs were broke, for since there was no way found out to make them leave Edinburgh, all of us seeing that there was no more to be expected either from the convention, or from those that pretended to be our friends, left the town and retired home; such as the Earl of Home, Viscount of Stormount, Viscount of Oxenfoord, Lord Sinclair, Earl of Southesk, Earl of Panmure, Mr Henry Maul his brother, the Sheriff of Bute, several others. A few days after the committee prepared all that was intended in the convention, but found great difficulty how to declare the crown vacant; some were for abdication, as had been done in England; but that could not pass among the most violent of them, for it could not be imagined that your majesty had left Scotland; others were for making use of an old obsolete word, *forfeiting*, used for a bird's forsaking her nest; but Sir John Dalrymple ended the debate, by such reasons against both, that they agreed to his new proposal, which was, That your majesty, by committing such acts as he named, forfeited your right to the crown, making this childish distinction, that they intended not to forfeit you as a traitor, but only declare you forfeited; which would make the affair clear, and take off any pretensions the Prince of Wales might afterwards have.

This immediately was taken, and voted the next day by all present, except five, the Archbishop of Glasgow, Sir George Mackenzie, Lord Boyne, Mr Ogilvie, and one Barrough; all the rest which did intend to go along, had left the house. After the crown was declared vacant, Duke Hamilton proposed filling it again; and although, as president, he was not obliged to vote, first to declare the crown vacant, and next that the humble offer thereof should be made to the Prince and Princess of Orange.

This was more unanimously than the other, for the Duke of Queensberry and Marquis of Annandale, who had been absent from the first vote, came and assented to the second; and told the house, that they were not fully convinced of their right, in declaring the crown vacant; but since they had done it, they acquiesced, and none deserved so well to fill it as the Prince of Orange; and afterwards went with the rest to the market-cross of Edinburgh, where they were declared king and queen of Scotland, where the Duke of Hamilton, to shew his zeal, did there the meanest action that ever could be heard tell of in a duke, for he officiated as clerk, and read from the cross to the people the Act of Convention. Next they voted Lord Lorn, Sir James Montgomery, and Sir John Dalrymple, to carry up their offer, with their grievances and claim of right, which were the conditions pretended as giving him the crown, and that they might be in greater safety during the adjournment which they were to make, until they knew whether the Prince and Princess of Orange had accepted of their present.

They voted a full power to Duke Hamilton, to imprison whomsoever he suspected, until the return should come back, fearing if such a power were lodged in many, some advertisements might be given.

The first that found the effects of this power was the Viscount of Dundee, and myself, occasioned by your majesty sending over one Mr Brodie, with letters from Ireland, wherein you gave us the same orders that before you had done with Mr Hay; which was to do nothing until your further orders, and that five hundred foot and three hundred horse, which you had ready to send, were landed: These letters were taken by the folly of Mr Brodie, for he had told all his business to one Mr Thomson, who came over with him out of Ireland, on purpose to betray him; and even after he had discovered him to Duke Hamilton, and that he was seized on and searched, they could find nothing about him, all his letters being hid in a false bottom of his walleese; nor had they any suspicion where they were, until he eased all their minds, by telling all he knew of the matter, from whom, and to whom he came, which had never been known but by him, the letters having no directions. Duke Hamilton, by virtue of the power given him, immediately ordered the Earl of Leven to send over one hundred

foot to my Lord Dundee, and as many to me; but his house being twenty miles farther off than mine, besides having the river of Tay betwixt him and them, and having a good party of his own regiment constantly with him, they found it not so safe to apprehend him; but I was taken, and brought to Edinburgh, and put in a common gaol. I had the liberty of it at first, for some days that the convention did not sit; but how soon they met and read the letters, there were never men in greater rage, than generally the whole house was against me. Upon reading of one from the Earl of Melfort to me, wherein, after he had given us assurance of speedy relief, he expressed himself much after this, That he wished some had been cut off that he and I spoke about, and then things had never come to the push they were at; but when we get the power again, such should be hewers of wood and drawers of water. This Duke Hamilton took as meaned of himself, but what the Earl of Marr's intentions were in these expressions, I cannot determine; but to justify him and myself, I do declare, That he never in his life made the least insinuation to me of any such proposition; but whatever he intended by them, nothing could have been more to the prejudice of your affairs, nor for my ruin, than this; which did shew, that nothing but cruelty would be used, if ever your majesty had returned.

These letters were printed both in Scotland and England, and were like to have their designed effect; for when they were read in the convention, though I had many relations there, yet few appeared my friends, except the Duke of Queensberry, which was the more generous in him. And until your majesty's departure, I saw his inclinations sincerely to follow you, for we had been in very ill terms. He told the house, he doubted not but the Earl of Melfort had writ these letters on purpose to ruin me; and if letters coming to me could be made criminal, it was in the power of every man's enemies to expose him to what he pleased. That which inclined the Duke of Queensberry to believe this the more, was, that he knew of my concurring with many of your faithful servants, (notwithstanding of my friendship and relation with the Earl of Melfort) to desire your majesty by Mr Lindsay, Captains Carleton and Collin, who were sent to you, to entreat that the Earl of Melfort should not come along with you; for, at that time, there was never a man in any nation so abhorred; insomuch, that whatever came from your majesty, if he was thought to be the least concerned in it, there needed no more to give all the Isle of Britain a prejudice against it. This, I confess, made many of us desire of your majesty that he might not come along with you: that there were some that did this out of perfect pique, I cannot deny; but these were but a few to the vast number that did otherwise sincerely for your majesty's service, finding how obnoxious he was to all parties, nor had he greater enemies in the nation; the generality were Roman catholics. Though what the Duke of Queensberry said did shew his inclinations, yet it did signify nothing to allay heat; for Duke Hamilton told him, he had as little reason as any to satisfy me, for he doubted not but he himself was also meant; and generally all of them thought they were comprehended under hewers of wood, and drawers of water: So I was voted close prisoner, where I was kept four teen weeks, till after the castle of Edinburgh was surrendered, at which time I was put in there; nor did they limit their rage and malice to me, only by all, they thought I was concerned in this, and likewise must feel it; and to make the greater noise, they apprehended several gentlemen, whom they thought my friends, and put them likewise in common gaol; and it was proposed by the Earl of Crawford, that the Lord Lochore, who was one of those taken with me, should be made close prisoner: He said, he was sure (considering the friendship I had for him) he knew all that was designed, or had been acted in the late civil government; but this even Duke Hamilton did not incline to, but the other urging it, was brought to a vote, and carried in the negative only by three.

The first thing the new committee did, was to order that Mackay should send some

troops of dragoons about by Sterling, to apprehend my Lord Dundee, who had keeped still at his house of Disdope, or Dudhope, near Dundee, and at another which he had at the Glen of Ogilvie; but when he knew of their coming against him, he was obliged to retire, not being near their number, rather knowing that these dragoons were so well inclined to your service, as their behaviour shewed thereafter; but at this time they were not come to understand one another, and so knew not their intentions. A few days afterwards Mackay himself came into the country with eight hundred foot, the Colchester regiment of horse, and four troops of dragoons, which forced Dundee to retire yet farther northward, to Duke Gordon's country, where the Earl of Dumfermline met him with sixty horses; but Mackay being so strong, and still pursuing him, that he might not be idle, since that he durst not meddle with Mackay, he turned from him, and by long marches through the Highlands came down to Perth, where the Laird of Blair was lying with one of the new-raised troops; and before they had any notice, makes him and some other officers prisoners, seized all their horses, and then marched to Angus, thinking to surprise the Lord Rollo, who was raising another troop; they not being able to march with what expedition was requisite, his horses being extremely fatigued by the long marches he had made, for at that time there was no grass in the fields, Lord Rollo had account of Blair's misfortune, and so had time to escape. Then he marched to the Highlands, that he might meet with the clans in Lochabber; where they all met him, or sent assurances of their readiness to join with him for your majesty's service, except the Laird of Mackintosh.

Some days after, the Viscount of Dundee took two expresses going from Mackay to Colonel Ramsey, with orders to come up through Athole, and join him; thus seeing he was like to be environed, chused rather to attack one of them before they joined together; and having gathered about two thousand men of foot, with the few horses he had, marched streight against Colonel Ramsey, who had a commanded party of twelve hundred foot of the chief of all their army; but as soon as he had notice of Dundee's coming against him, immediately retired with that haste and disorder, that he blew up all his ammunition, and marched night and day till he was out of that country. Dundee not being able to overtake him, came and stayed some days at Badenoch, where he got the alarm that Mackay was coming to attack him: That he might know the better the enemy's strength and motions, he went with a small party to view them, leaving the horse to the Earl of Dumfermline, and the foot to Lockyeall, who, hearing the enemy were strong in horse, which is the only thing that terrifies the Highlanders, he drew off from the ground Dundee left him on to a stronger; but when he came back to draw up his men to attack Mackay, thinking to find them where he left them, they were so far from it, that the day was spent before they could come in sight of Mackay, and before next morning he was decamped; otherwise, it is like Dundee would have given a good account of him. Thereafter to have drawn Mackay to an engagement, he marched to the castle of Rivan in Badenoch, into which Mackay had lately put a garrison, and summoned the governor to render the place: this was on the 29th of May; at first he refused, but when he saw all things ready to attack, he desired to capitulate, and after some formalities rendered the place, which Dunmore immediately ordered to be burnt. Afterwards he marched on to find out Murray, and was not a little encouraged to it by a message he got from the regiment of Scots dragoons, which had been commanded by the Earl of Dundee, by which they assured him of their readiness to obey his orders. Before they left England, the soldiers of the regiment intended to have all quitted, or done as his own regiment of horse did; but being assured by some of their officers, and particularly by Captain Mackay (in whom they had great confidence) that the officers only intended to keep together for your service, and that they never resolved to serve the Prince of Orange,[1] they were per-

[1] See the Memoirs of Captain Chreichton in Swift's Works, edit. 1814, vol. X. p. 180.

suaded and came down to Scotland, and embraced the first opportunity of shewing their intentions; but the matter was unfortunately discovered by Captain Forbes, who had been commander of the castle of Rivan, and who, in the way, had seen one Provensal, who was sent from the officers coming back from my Lord Dundee; this he informed Mackay of as well as Dundee's march, which occasioned him presently to decamp, so that next morning, when he thought to have found Dundee, where Provensal had informed him that he lay, he got notice he had marched all the night, and was got the length of Balvenny. My Lord Dundee, to get betwixt him and the low country, marched up Glenlivet, and turned down Strathdon; but Mackay getting an account of his march from Gordon to Edinglassie, retired with all the haste he could, and Dundee pursued so fast, that about four in the afternoon he came in sight of Mackay, but that place being so full of hills and other difficulties, it was almost eleven at night before he got up with him; and having marched in the dark of the night he lost sight of him again, and before next morning he was twelve miles off. Dundee finding his horse fatigued, and his men wearied, went into Edinglassie's parks to refresh them; where he did not lie above two days, when he had intelligence, from prisoners taken, and likewise from officers of the Scots dragoons, that Mackay was on his march backward to him, being strengthened by Colonel Ramsey's dragoons, and an English regiment of foot; and being stronger in horse, Dundee was obliged to retire, keeping always a strong rear-guard, as well for hindering his men from rambling, as for any apprehensions he had of Mackay, who made but very small marches; notwithstanding of all his care and strict commands, it was impossible to keep the Highlanders from plundering, so that eighteen or twenty of them were taken and immediately hanged by Gordon of Edinglassie, on the first tree he found.

Thus marching towards Badenoch, on the side of the river Spey, they met two hundred of Sir John Maclean's men coming to join with him, who that night were like to be cut off by three hundred English dragoons, who were close on them before they knew they were enemies; but as soon as they perceived them, they threw away their plaids, as their custom is, and run up to a hill, where they drew up; he who commanded the dragoons, finding he could not ride up the hill, ordered them to light and go up on foot, which the Highlanders no sooner perceived, but with sword-in-hand fell down upon them, killed fourteen and a captain, and put the rest to flight; and thereafter came and joined Dundee, who was marching to Lochabber: On the way he met Sir Alexander Maclean, who had brought out of Argyleshire two hundred men, most of them belonging to Lochore Mackay; and Gallashy, before he came to Lochabber, he dismissed the most part of his Highlanders (that country not being able to maintain them) except those who came along with Sir Alexander Maclean, they being far from their own country; and such as he keeped by him of horse and foot he punctually paid out of his own pocket, and kept so good order, that the country was extremely well satisfied, and friendly to him; all the time he staid there was about two months. Mackay, finding he could do nothing against him in Lochabber, went back and dismissed his troops, to refresh them in a summer quarter. Thus each of them pursued and fled according to their present condition and strength by turns.

During the adjournment of the convention, all appeared very quiet, though at that time humours and discontents began to arise among themselves; the Prince of Orange not being able to satisfy the pretensions and avarice of them all; and those that had appeared early for his interest, and had been the chief instruments of raising the rabble in Edinburgh, and had shewn their zeal for him in the convention, thought they had better pretensions than those who came over with him, they having only acted what they had done out of necessity, being for the most part forfeited persons.

The Prince of Orange, till he got his business done, managed both parties so, that each believed he had all to expect; but after the convention, they quickly found their

mistake; for not only his own inclinations were so, for those that came over with him, but bent me entirely for them, and got the Lord Marshall, a creature of his own, made sole secretary of state for Scotland, and the council named, as he had a mind, at least of such as he knew; if they could do him no good they could signify as little against him, by which his power would be the greater.

In it were named some, more for shew of their families, or esteem for their parts; such as the Marquis of Douglas, Earl of Morton, Earl Marshall, Earl of Errol, and Earl of Eglinton, who, though they were not fanaticks, yet were sure not to contradict any thing that was to be done; yet this dissatisfied extremely the presbyterians, who now thought they should have been admitted, but such as had given proof of their conversion, and so enraged several that had pretensions, particularly Sir James Montgomery, who thought nothing less due to his merit, than to be secretary; Duke Hamilton was little better satisfied to see that all the employments were neither at his disposal, nor given to his children and friends, for whom he had made so many fruitless attempts, both in your brother's reign and in your own. But the discontents and jealousies were generally known; yet they did not publicly declare against one another, till at the first session of their parliament, in June 1689, where Duke Hamilton was commissioner, and the Earl of Crawford president. In it they confirmed all that the convention had done, declared episcopacy a grievance, and made a new oath of allegiance, and made all the episcopal clergy to pray for the Prince of Orange as king, and the princess as queen, under pain of losing their benefices.

A bill was brought in and presented by the Earl of Morton, for incapacitating all those who had employments in the late civil government, from having any ever again; but this comprehended so many of themselves, that it was thought fit to lay it aside; nor was there much notice taken of it by any party, all knowing it could not be his own deed, but put upon him by some that thought so poor a creature a good instrument, being a man of quality, to try how it would take; they were thus busy in your parliament about the middle of July. The Lord Murray, son to the Marquis of Annandale, went up to the Highlands, where his father's interest lay, and raised about twelve hundred men, pretending only to look after the peace of the country; but Buoquhan, a gentleman of the name of Stewart, found out his intentions, and gave notice of it to the Viscount of Dundee. This gentleman, though he had always been a dependant upon the Marquis of Annandale, yet preferred his duty to your majesty to any obligation he had to that family, and, by the Viscount of Dundee's order, he put himself in the castle of Blair, and when my Lord Murray required him to deliver it up, he answered, That he kept it by the general's orders for the king's service; but not finding himself in a condition to reduce the place, sent to Mackay to let him know his house was kept out against him, and desired his assistance, which made Mackay draw together as quickly as he could possibly about four thousand foot, and two troops of horse, and marched strait forward to Athole; Dundee saw well the consequence of losing that place; for if once reduced, all other intelligence, with any part in the Highlands, would be cut off, and that country rendered incapable to assist, whom he confided most in of all the Highlands: Therefore, to prevent it, he ordered a rendezvous of all the clans, and got together near two thousand foot, and the few horse he had kept together; and having already wrote several times to my Lord Murray without any return, he sent Major William Graham, and Captain Ramsey, to lay before him the honour and advantage he might procure to himself and family, if he would heartily join with him for your majesty's service, and how easy it would be for them to reduce all your enemies in Scotland; for if they got but the least advantage of your enemies, and succeeded, all the world should know your majesty owed such a service to him only; but if he refused this favourable opportunity it was at his door. He was little moved with both these arguments, and would not so much as see these gentlemen, nor give them an answer.

These men he had raised were of another humour, and began to suspect, by his refusing to see these gentlemen, that his designs were not for your majesty's service: so all with one voice desired to know his resolutions, and that if he would join with Dundee, they would all follow him; and if otherwise, they would quit him.

The great subjection which the heads of clans had over their vassals, made him believe he would reduce them with threatnings: but they continued firm to their resolutions, and perceived plainly his intentions: So they filled their bonnets with water, and drank your health, and so left him.

He went straight and met Mackay, and gave him an account of the condition of that country, and what had befallen him. Just as the Viscount of Dundee was going down to Athole, Major-General Cannon came from Ireland with three hundred men newly raised. Their arrival would have been very seasonable, if two accidents had not happened, which did Dundee by their coming more harm than good. 1. He had been daily promised by the Earl of Melfort, that a considerable body, both of horse and foot, should be sent with ammunition, and all other necessaries, which they were in great want of, by which many of the best gentlemen, that had followed him for several weeks, had not seen bread, salt, nor drink, except water. Instead of this, the clans saw all their expectations reduced to three hundred men, who were in as great want as themselves, which discouraged them extremely. Next, the loss of some provisions, as bread, beer, and cheese, which was coming to them, Colonel Cannon having made the ships (in which it was) lie too long at Mull, so that the English frigates came and took them; but notwithstanding of those discouragements, my Lord Dundee resolved to succour the castle of Blair.

So about the end of July, he marched to Athole; when he came to the castle, he called a council of war, having had intelligence that Mackay was entering by a narrow passage into that country, called Killiecrankie, many of these clans, and other officers, were maintaining that pass that Mackay should not enter that way, because they thought themselves not yet strong enough to encounter him; and that their great rendezvous was only to be in two days after, when they would be much stronger. But Dundee soon convinced them, that, in all appearance, he had a very fair opportunity, Mackay having then only two troops of horse with him; but, if he delayed, he would quickly bring up the English dragoons, which is the only thing the Highlanders are afraid of: So it was resolved on, to let Mackay enter the pass, and fight him at the disadvantage of double their number, rather than to stay till his cavalry joined with him. Mackay having ordered his battle all on one line without any reserve, and having drawn up his field battalions only three men deep, which made a very long front, my Lord Dundee perceiving this, was necessitated to change his order of battle, and to enlarge his interval, that he should not be too much outwinged. This consumed a great part of the afternoon; but having put all things in as good order as he could, he marched down to attack the enemy. The Highlanders endured their fire with a great deal of courage, without once firing till they were close upon them, and then they delivered their fire, and presently thereafter, with sword and target in hand, they broke in among them; and they not being used with this way of fighting, fell into such a consternation, that they defended themselves but faintly. My Lord Dundee charged upon the few horses he had: The English horse ran at first, without firing hardly a shot: so he ordered his horse to follow him to attack their cannon, and William Nairne, who had produced his commission only that morning, to be a colonel of a regiment of horse, got the command to the great dissatisfaction of the Earl of Dumfermline, and many other gentlemen, who thought themselves injured, yet had that respect for your majesty's service as to make no dispute for it at so critical a time; he marched at so slow a pace after my Lord Dundee, that when he was come near the

cannon, he found himself alone, which made him call for them to advance more quickly; but Sir William not being too forward, the Earl of Dumfermline, who was only riding volunteer, rode out of the ranks, and followed with about sixteen other gentlemen, beat the enemies from the cannon, and took them before the rest of the horse came up. When Dundee saw the cannon taken, the enemies horse fled, and his horse broke in through Mackay's own regiment, he rode up to bring down Donald Macdonald's regiment, who had shewn so great resolution as the rest of the Highlanders, and unhappily by the way received a shot in his right side immediately below his armour; he strove to ride off a little, but was not able, and fell from off his horse.[1] Though the Highlanders had charged with admirable courage, making the enemy run wherever they came; yet they were so overcome by the spoil, that so soon as they came among the enemies baggage, they stopped there, and by that lost the fruit of the victory; for by this means Mackay and several others escaped, which was impossible for them to have done, if they had been quickly perceived; besides there were two regiments, *viz.* Colonel Hastings' and Lord Levin's, who had been but little engaged; if these had had resolution, they might easily have fallen upon the Highlanders while they were intent upon the spoil, and so quite changed the fate of the day, but both neglected their opportunities; these two regiments were in such a consternation that they knew not what to do, but took the benefit of the darkness of the night to march off and make their escape, though many of them fell by the way, being attacked by some of the Athole men as they were passing Killicrankie; Mackay's fled towards Sterling, where he arrived the next day with not above two hundred of his men; he lost above two thousand on the spot, and about five hundred were taken prisoners.[2] Never was there a more entire victory gained; yet your affairs, I must say, suffered prejudice by it, considering the great loss of the Viscount of Dundee, who was the man most proper for any such undertaking in the nation, for he very well understood the different tempers of those he had to deal with; and knew well when, and to whom it was fit to shew kindness, and also when to use roughness without severity; and though he was naturally more sparing of his money than profuse, yet wherever your majesty's service or ambition prompted he stuck at nothing, but distributed frankly whatever he could command, which gained him entirely the hearts of those who followed him, and brought him into such a reputation, that if he had survived that day, in all probability he would have given such a turn to your affairs, that the Prince of Orange could neither have gone nor sent into Ireland; by which your majesty would have been entire master of that kingdom, and in a condition to have landed what forces you pleased in Scotland, which was the only thing all your friends most desired.

Next day after the fight, an officer riding by the place where my Lord Dundee fell, found lying there a bundle of papers and commissions, which he had about him; those who stripped him thought them but of small concern, that they left them there lying: This officer, a little after, did shew them to several of your friends; among which there was one paper did no small prejudice to your affairs, and would have done much more, had it not been carefully suppressed; it was a letter of the Earl of Melfort's to my Lord Dundee, when he sent him over your majesty's declaration, in which was contained not only an indemnity but a tolerance for all persuasions: this the Earl of Melfort believed would be checking to Dundee, considering his great hatred to fanaticks; for he writes, that notwithstanding of what was promised in your declaration, indem-

[1] From the hole made by the bullet in Dundee's buff coat, it seems that he received the wound under his armpit, at the moment his arm was raised probably to beckon on the cavalry behind him, or to animate the pursuit by the Highlanders.

[2] It is said, that general Mackay looked back upon the field, and perceiving that the pursuit had slackened, declared his conviction that Dundee, his old comrade in arms, must be no more.

nity and indulgence, yet he had couched things so that you would break them when you pleased, nor would you think yourself obliged to stand to them; this not only dissatisfied him, but also many of your friends, who thought a more ingenuous way of dealing better both for your honour and interest. Never were men in such a consternation as Duke Hamilton and the rest of the parliament then at Edinburgh, when they heard from these that fled the defeat of Mackay; some were for retiring into Ireland, others into the western shires of Scotland; nor knew they whether to abandon the government, or stay a few days until they saw if my Lord Dundee came nearer, for they never imagined he was killed; then they considered to set at liberty all prisoners, or to make them more close; the last was resolved on. So we were all shut up; but though all liberty was debarred us of seeing our friends, yet we never had so many visits of your enemies, all making excuses for what had passed, protesting they always wished us well, as we should see whenever they had the opportunity.

The fright of those who fled augmented their own loss, for Colonel Lauder, and several others, to excuse themselves, told all was cut off, when, a few days after, several came to Edinburgh, who they said had been killed; and there being no noise of the Viscount of Dundee's advancing forward, they began to take little more heart, and soon after they got notice of his death, which put them out of all apprehension; for they knew very well there was none in the army could make use of the victory, which soon appeared after that Colonel Cannon took the command on him, and he not only delayed marching down the country for several days, but the first thing he undertook failed, and his party baffled, and several of them killed and made prisoners, only occasioned by loss of time.

When he came to Dunkell, he had intelligence that the enemy had left some provisions at St John's-town, so he commanded a party to go and bring what was necessary for them.

Mackay had notice sent him at Sterling from the Laird of Weem, of Dundee's death, and the bad order the Highland army was in; whereupon he presently marched with about three thousand horse and dragoons towards St John's-town; Cannon's party were then in the town, and done all they came for, so were surprised; notwithstanding of this hard beginning, Cannon got together three thousand men and horses, and would have gotten many more had it not been for this unlucky undertaking at the beginning of his command.

After this Mackay advanced toward Cannon, who, not daring to meet such a body of horse in the plain country, was obliged to take himself to the mountains, making round the skirts of the Highlands, while Mackay was marching on the plain ground, every day in sight of the other, and exchanging bravadoes to fight; but the one durst as little go up to the high ground, as the other durst venture down to the plain; at this rate they kept together for a month's time, until Cannon got intelligence that twelve hundred of these called Cameronians were come to Dunkell, with a design to destroy the country of Athole; he marched back with all haste to them, and before they had any notice of his march, was so near them, that they could not retire, but were forced to get into the Marquis of Annandale's house to defend themselves; which they could never have been able to do, had not Colonel Cannon committed great oversights; for when he came to fire his cannons against the place, he had not so many balls as cannons, although there were many taken with Mackay's cannon at Killicrankie. This did so encourage the Cameronians, that notwithstanding their commander Clealand was killed, who was extremely brave, yet they continued to defend themselves so well, that Colonel Cannon was forced to retire for want of ammunition, as well as cannon-ball, with great loss both of his men and his reputation: From that time the Highlanders were much discouraged, and the season of the year far advanced, most of them went home,

the Irish and some gentlemen remaining, who had joined with him, and knew not where to retire.

Thus all the hopes of your friends were quickly dashed, and your enemies more and more encouraged, and so had leisure to finish their session of parliament; which, notwithstanding, ended with so little satisfaction to all parties in it, that most of them ran to London, some to complain that these things had not been performed, that the Prince of Orange promised when he came to the crown; others to defend themselves, for there were great animosities among them, particularly against the Lord Stair, who though always he had been fanatick, yet was generally abhorred among them, as they said, being a man neither of religion nor honour; besides he had complied with all governments, and had taken all oaths and engagements that were a-going for fifty years before, and was contriver of seals of them, yet never was faithful to any party.

The favours done by the Prince of Orange to the Lord Stair, and his son, and these other things not done in parliament, which he expected, made many dissatisfied; but to take off the odium of the last, and to shew he was not to blame for their not having all they desired in parliament, he caused to be printed all his instructions to Duke Hamilton, and laid all the fault on him, which he most patiently suffered, and might very well have justified it, since all he had neglected to do was to satisfy the most bigotted fanaticks, in not settling religion as they would have it, and whereabout they could not agree among themselves, so it was delayed.

The next thing was, the not restoring the forfeited estates, which indeed Duke Hamilton thought unjust, but not the less that his son and brother were so much concerned, being in possession of two of the best of them, by a gift from your majesty; but to do him justice, he was not for going such a length of extravagancies and cruelty, as these enraged fanatick rebels, who came over with the Prince of Orange, which made the most part of them his enemies, until they took a general hatred at Melvil. This made them join together more for interest than inclination; others went up to get the rewards of their services; but finding themselves disappointed of these employments, which they thought due to their merit, quite broke off from the rest; though, to cover their design the better, they continued still the most bigotted of the party. The chief of these were Sir James Montgomery, Earl of Annandale, Lord Ross, Mr William Hamilton, and Mr James Ogylvie, who at first in the convention had behaved himself very well; but by great promises made him by Duke Hamilton he went over to him, and finding himself disappointed, joined again at London, in all was proposed him for your majesty's service by Sir James Montgomery, who managed the rest as he pleased, and having got acquainted with Mr Ferguson, Mr Payne, Captain Williamson, and some others that were in your interest, engaged not only for himself, but for the others without their knowledge, trusting to his power over them. The first of his own set he proposed his design to, was the Earl of Annandale his brother-in-law, whom he found very frank, as he always was, when the change of a party was offered, then the Lord Ross, and laid before them two the ingratitude of the Prince of Orange, in not giving you employments, and the great offers made by your friends, if they would return to their duty.

He wanted not encouragement to say so, for Mr Paine had promised him all that his ambition, vanity, or avarice could suggest; nor were there ever two better matched than Mr Paine and Sir James Montgomery, for Mr Paine made him believe that he could dispose both of titles, of honour, employments, &c. and money as he pleased; and the other imposed so far upon him, as to make him believe he was able to turn the whole nation with a speech to do whatsoever he proposed.

After they had concerted their affairs together, and disposed of every thing according to their fancies, they proposed their resolutions of serving you to the Earl of Arran, then prisoner in the Tower of London, who embraced it most willingly, judging

it, that to get these who had been most eminent against you to come over, could not but make a considerable interest. The next step they made, was to send one over to your majesty, with the offer of their service, and advice how all things should be disposed of; though they found a messenger fit for their affair (called Mr James,) yet they had great difficulty how to get their commissions, titles of honour, and instructions to the parliament, worded according to form, for none of them knew any thing of the matter; but Sir Andrew Forester, who gave doubles of all they desired to Mr Ferguson, without knowing any thing of them, believing it could not be but for your majesty's service, since the Earl of Arran was concerned in it, after they had dispatched their messenger, with all his instructions, and having nothing to do until his return, Sir James and Mr Ferguson being openly declared enemies to the Lord Macdonald, wrote a pamphlet, which they called, "The Grievances." It gave great offence, and broke Sir James for ever with the Prince of Orange, and all his favourites. In which was laid open all their follies and breach of promises, with all the bitterness Mr Ferguson's pen was capable of, who had been in constant use of such undertakings for many years.

The winter 1689, was thus spent at London in their private councils, which made the Prince of Orange so weary of both sides, that he told Duke Hamilton, that he was so much troubled about their debates, that he wished he were a thousand miles from England, and that he were never king of it. Duke Hamilton, though he was extremely both the Lord Melvil's and Stair's enemy, who were the chief cause of these debates, yet they went not publickly to the meetings of your enemies, which was then called the Club, but lived in outward civility with all till the spring, that Lord Melvil came down commissioner, while they were thus hot upon their debates at London. The council of Scotland, where the Earl of Crawford constantly presided, without any commission, was very busy with the episcopal clergy, who had not prayed for the Prince and Princess of Orange, as was ordered by the last session of parliament, a great many were summoned before the council, and upon their refusal turned out, others who would have complied, and almost made appear by their defences, that it was impossible for them to be informed of the order in so short a time, were likewise turned out.

His zeal carrying all things before him, and the rest complying with all that he proposed; so that by the council, the rabble and their new-levied dragoons the worst of either, there were but very few in their churches before the next spring, save some that were willing to comply with every thing, which rendered them contemptible even to their enemies.

All that winter Colonel Cannon lived quietly in Lochabber, your major sent over Major-general Buchan next spring; so soon as he came, there was a meeting of all the chief of the clans, and other officers, who were there, to consider then what was fit to be done in that meeting.

It was proposed by some, that since they said themselves, out of all hopes of relief, which had been promised them, that then they should endeavour to make the best capitulation for themselves they could. But Sir Evan Cameron of Lochyeall, who had great influence among the rest, got them to change that resolution, until first they had your majesty's orders; telling them, that in your brother's service he had been reduced to far greater straits than ever they were, and would never capitulate, until he got the king and general's orders to do it;[1] and that for his part, he was never resolved to hearken to any conditions without your warrant; and that he believed it would be a

1 This Sir Evan Cameron, well known in the Highlands by the name of Ewan Dhu, was the last during the great civil war who carried arms for King Charles, and laid them down at length on the most honourable terms. A memoir of this chieftain is printed in Pennant's Tour through Scotland.

scandal to them in the highlands to think of capitulating, so long as your majesty was in Ireland at the head of an army, and had so many friends in Britain, who pretended to be willing to serve you; whereupon they all agreed willingly to what he had said, and it was resolved, That (until the season of the year was a little better advanced, and the seed might be thrown into the ground before they made a general rendezvous into the fields, and that their friends in the low countries might come and join them) Major-General Buchan should have a detachment of one thousand two hundred foot to go down to the borders of the low country, to amuse the enemy and fatigue their troops, by alarming them in several of their quarters. Immediately he marched with them down Strathspey, and continued there without doing any thing, till they were surprised at Gromdale by Sir Thomas Livingstone, about the beginning of May.

The spring being far advanced, and the money that was laid on in the then last session of parliament exhausted, this put the Prince of Orange to great difficulties, either to grant the extravagant demands urged by Sir James Montgomery and those of his party, or to let all the army, which consisted of near ten thousand men, be absolutely ruined for want of pay. The more the club party saw him straitened, the more they augmented their pretensions; and being in this necessity, he seemed to yield to their demands, sending my Lord Melvil down with instructions to grant these things, yet only in case he could do no better, and so imminent danger from your friends, which gave him a pretext for yielding to several things in parliament, above his instructions, and contrary to the Prince of Orange's inclinations; (this was after the treachery of some of our number that had ruined all,) and for which he would have been in disgrace, if the villany of those who made the discovery of what was intended for your service, had not brought him off, serving as a prince of absolute necessity; for what he hid for several months before the parliament had been adjourned from time to time. This put the fanaticks, and these who were to have their estates restored, in a mighty rage; that they began to doubt of his intentions, either to establish their religion, or to restore their estates to them; but seeing the Lord Melvil was named commissioner, and preparing to go down, they all took leave, most part very discontent: the Prince of Orange not having it in his power to satisfy the third part of these pretenders.

Having ended their affairs at London, both sides hasted down to Scotland, to secure their party: Such members as had staid there was only Sir James Montgomery, who was the chief manager of this party, who for some weeks staid behind and imparted his design to several of your friends there, who so believed him and trusted so much to his undertaking, that he had eleven hundred guineas given him by Mr Ashton to advance the interest, but the Marquis of Athole, to whom Sir James had imparted all his intentions, got the carrying of them down, and made his own use of them, as shall be made appear. Of all that had passed among the club party at London, and of their intentions to serve your majesty, nothing was known in Scotland among your friends, until the Earl of Argyle and Lord Ross came down; they openly exclaimed against the usage they had met with from the Prince of Orange, but there was little notice taken of it, considering the too unfitness of their tempers, until the whole set did the same: Their discourses made your friends hope some use might be made of their divisions, and so made them live more friendly with them than formerly. The Earl of Argyle, as he was always the most forward of his party, so in this he was the first that proposed the whole affair to the Earl of Dundee, and me, then in the castle of Edinburgh. He said, that I, of all men living, had least reason to believe what he was about to tell me, considering how he had used me in the convention, in leaving us abruptly, and becoming the most violent against us; he acknowledged his fault, and wished that the blood of his body could wash off the stains of his past miscarriages both to his king and friends, and hoped that these misfortunes should for the future serve as so many beacons to warn him to avoid the like in time coming, with a great deal more of this

sort, which he spoke with so much passion and appearance of sincerity, that we were but too soon taken with it, and were the more easily deceived, as being glad to find any returning to their duty; he told us likewise, that he entirely confided in us, and put his life and fortune in our hands, without pretending any trust from us, only desired we might live in friendship till the Marquis of Annandale, Duke of Queensberry, Earl of Arran, Viscount of Tarbat, and Sir James Montgomery should come to town, who would inform us of all that had passed at London; and since they had received your majesty's pardon for what was past, and now venturing their lives to serve you, they expected all your friends would join heartily in the common cause to ruin the Prince of Orange, and restore your majesty.

A few weeks after, the Lord Dunmore and we had our liberty, my Lord Melvil came down, and all the parliament members met, but were adjourned for a fortnight. This gave time to the club party to be industrious with your friends, to come in and join with them for settling religion and the peace of the nation, as they pretended, for any design for your majesty's service was to be kept secret amongst a few. The difficulties were extraordinary how to reconcile such different interests, tempers, and persuasions, as were that of your friends and the club party, for they, both in convention and parliament, had been the most violent against your majesty and your friends: Besides, their whole design at the bottom, was for the height of violence and oppression; for their greatest quarrel at the Prince of Orange, was for not suffering them to go to all the extravagancies of their religion and revenge, which is so mingled together, that it is hard to know the one from the other; and they were likewise divided among themselves, for none, except James Lord Ross, Earl of Argyle, and Mr Ogilvie, were to know of any resolution to serve your majesty; and Duke Hamilton and his followers had no design but the ruin of the Lord Melvil and Stair, and to get the session filled with his own creatures, having at that time many law-suits in hand; but though they had all different designs, yet they all agreed in this, That nothing could be done, except your friends could be persuaded to join, without they saw Lord Melvil and Stair's party could be too strong for them, having all the profitable employments and session in their hands.

Sir James Montgomery undertook to manage this affair, pretending he knew the inclination of a great many of your friends, who would join with any party to ruin the Lord Melvil and Stair, and keep public burdens to be employed in parliament, and to oblige the Prince of Orange to establish the session, according to the claim of right voted in the convention, and to have a *habeas corpus*, and freedom of speech in parliament. These were the pretexts he made use of, which were so taking with the most bigotted part of them, that they doubted not to get these acts passed, if we would join with them in all other demands, which were to have the presbyterian government established at its height of power, the king's supremacy, and the committee of parliament called the Articles (which was already voted in the convention a grievance) taken away; thus by the quality of them was believed at first to be all the design, without knowing in the least that it was only to make them disobliged at the Prince of Orange, if he should refuse their demands, and to try next if your majesty would grant them, for all kings just or unjust are alike to them.

To all your friends it was very evident, how great an advantage might be had, by joining with the violent party, for by that we thought ourselves sure of breaking their army, which consisted of about ten thousand men, and which must be immediately disbanded, when they saw the parliament establish no fund, neither for paying their arrears nor subsistence, and all have gone in confusion; and your majesty being then in Ireland, and the Highlanders in a better disposition to rise, it were easy to make a good use of their disorders.

Sir James, in the first meeting we had with him, laid out the great advantages your

interest could obtain, if this succeeded; the strength of his own party, and all the influence he had over them. He told us likewise of their sending a messenger to your majesty, with assurances of their returning to their duty; but said nothing of the instructions, commissions, and pernicious advices he had sent along, believing (as undoubtedly) it would have hindered us from joining with them; for by this we should have clearly seen it was only trying to make a better bargain for themselves made them change parties, and not out of any sentiments of conviction for having done amiss; but though it was very evident to us what disorders we would make among our enemies, and what profit to your party by going into the parliament, yet to join with our mortal enemies, only to make the one half ruin the other, and to take the oath of allegiance to an usurper, and to comply with them in things that had always been against our principles, were so hard to get over, that some of us had greater difficulties to overcome them; nor even could any have done it, but the great desire we had to be instruments of your majesty's restoration, and ruin of your enemies.

There were two things that made us very willingly to join with them; the Marquis of Athole and the Earl of Arran asserted your majesty's knowing the design and approving of it, so far as to be convinced at that time, you thought it the greatest piece of service could be done you; next, the Viscount of Tarbat assuring us particularly, that the Prince of Orange was fully resolved never to grant any of these demands, which he knew the club party intended to propose in parliament. And being sure of their firm resolution never to grant any thing, except they obtained all they desired, we could not doubt to obtain all we pretended, which was the dissolution of the parliament. Nor could it be imagined but Lord Tarbat wished it as well as we, though on different motives, for then he was entirely in the Prince of Orange's interest, and trusted more by him than any of the nation, insomuch that at his coming from London he had a trust given him, that few subjects ever had the like, for he had a full power to make a cessation of arms, or peace, with the Highlanders, and to dispose of twenty thousand pounds sterling, as he thought fit for the Prince of Orange's service, and three titles of honour to whom he pleased; and was to give account of all that passed in parliament, and had full power to adjourn or dissolve, as he thought fit; but though he had all this trust, and might dissolve the parliament when he pleased, yet he durst not venture it; and though he had more enemies, there were more afraid of its sitting, than any of your servants; yet though he could get it easier done, and with less hazard to himself, by the high hand of the club party, and which would have the same effect to secure himself, and enrage the Prince of Orange at his enemies.

These considerations made him take more pains underhand than any, to engage you friends with the club party, and to get them to come to the parliament. To some who believed him, he said he designed nothing but your service; but to others, that it was for the good of the nation, by obtaining acts that would be so beneficial to it. Being thus made believe that your majesty liked the proposition, and hopes of doing what he designed, made us resolve, notwithstanding of all our scruples, not only to join with the club party, but to use all the endeavours to persuade our friends, and all those we had any influence upon, to do the like; which succeeded as we could wish, for most part of all who had continued so firm to your interest, resolved to follow our example, without desiring to know the bottom of that secret correspondence we had with the club party; some there were that made difficulty, the Earl of Home, the Earl of Lauderdale, Lord Oxenfoord, Lord Stormont, and the Master of Bute; but their reasons were out of apprehensions of betraying and yielding to the Prince of Orange, than any other scruples, though I doubt but some of them had their reasons, and so might they very justly, considering how nice a point it was; others appeared resolved, and engaged fairly, but when the time of the sitting down of the parliament drew nigh, they absented themselves, which gave great encouragement to Lord Melvil and all his

party to meet in parliament, who were in such apprehensions of success before, that several times he was resolved to dissolve it, and to take a venture of another; but when they saw that several of your friends drew back, and had secured to themselves several votes, by dividing the office of every register in six, and giving each a vote, and one for a treasurer depute; and by giving money to some, and promises of employments to others, they so strengthened their party, that they again took heart and resolved then to begin their parliament, which sat down the day of April, 1690; but notwithstanding all the sinister courses that were taken to procure votes, never were men in such apprehensions and fears as was Lord Melvil and all his friends, for they not only saw the danger of their whole party if they succeeded not, but immediate ruin to themselves from the Prince of Orange, to whom they had so fairly undertaken, after that he had read over the speech that he had got made for him, and that his president the Earl of Crawfoord had made another, all taken from the old prophets, which he applied to the occasion, as of Ezra and Nehemiah's building again the temple of Jerusalem: they brought in a vote about the election of a burgh, only to know their strength, which, though found above their expectation, they carried it but by six or seven, which makes a demonstration, that if these of your friends which engaged to us had not failed, we had outvoted them in that, and so consequently had all our design; for it was firmly resolved among them, that if they had lost that vote, though of no consequence, they would have adjourned the parliament next day; but gaining it, they took heart, and that which befel your friends in the convention happened just again; for several who pretended to be our friends when they thought us strongest, left us immediately, and joined with the other party: Sir James Montgomery also failed, and several also he had engaged, for believing his interest far greater with them than truly it was, so from that minute we lost hopes of doing any good; but seeing we had once made such a step, we resolved to stay in the house, though it should be for nothing but to hinder them from going on so fast in their design of forfeiting all those who had appeared for your majesty, and the giving money as soon as they intended to support their forces and government, but never men made a more miserable figure in any meeting, than your friends did in this; after they saw themselves abandoned and outvoted in every thing, they had nothing to do but to sit and hear Duke Hamilton bawl and bluster, according to his usual custom, and then acquiesced to all that was proposed; and Sir James Montgomery and Sir John Dalrymple scolded like kail-wives; that rogue, villain, and liar were their usual terms; these two were the chief managers of both sides, Sir John pretending to mention the king's prerogative, Sir James the liberty of the subjects and claim of right, and though he was never bred with such undertakings, yet with abundance of confidence and eloquence he managed the affair, and if he had but wanted, Sir John Dalrymple and your friends had not been very indifferent, who had lost or won; after they saw all their designs desperate, he had undoubtedly put them to greater straits, for the things he urged were very popular, and agreeable to the inclinations of many of the members; notwithstanding of all disappointments, we were still to make them break among themselves, by proposing what we thought never would be granted; but in this also we were disappointed, for my Lord Melvil, to justify what he and his party had so great a desire to do, but durst not adventure before, having got the pretext of the imminent danger of both the Prince of Orange and Kam,[1] were in, by the secret plots and contrivances of your majesty's friends yielded to all that was demanded in his instructions, he was allowed to pass what acts of parliament he should think fit, and establish what form of government they liked best.

Several days passed without daring to mention presbytery, though most there desi-

[1] These three letters seem to be a cypher. It would seem to imply kirk government or presbytery.

red it, knowing that it was contrary to the Prince of Orange's inclinations, who feared the consequence it might have in England; besides he liked best to have it undetermined till his affairs were better established, that he might keep both parties in hopes; but Sir James, in a fair set speech, spake out what they all wished generally, but feared to name, and that he knew there were instructions for settling religion; and he said he thought it was a shame for that meeting, it was not yet done, but the reason was well known, for some among them, to flatter the court (against their own principles) had delayed it; he knew likewise some were for one kind of government, some another, some were of a certain kind of presbytery called Erastianism, like that of Holland; but he told them, there could not, nor ought there any to be established in Scotland, but the presbyterian as it was in 1648; which was the government in the world not only according to the word of God, but best to disturb the extravagant power of kings, and arbitrary government, under which they had groaned many years. This speech to us that knew his secrets, seemed a little extraordinary; but he excused himself by being obliged to do so, otherwise would lose all credit with his party, and that it signified nothing since he knew that Lord Melvil never durst pass it, though it came to be proved. This speech was approved by the house, and a committee appointed to receive all the forms of government that should be brought before them, and to report their opinions of them; and till this was ready, they adjourned some days, during which Sir James received from Ireland a return of his message with Mr Jones. The first night he opened alone a great black box with papers, where all the commissions and instructions were, and then sent for the Earls of Annandale, Arran, and my Lord Ross, and told them the return of all was come; but that he believed there were several things among them would be improper to let the Duke of Queensberry, Earls of Linlithgow, Breadalbine, and me see, though we were only those of your friends whom they had trusted with your message these four times. After they had considered them all, made up another box of such as they thought fit to shew, and sealed it, to make us believe it never had been opened, and in a great haste Sir James desired us to meet in the Marquis of Annandale's lodging; and, after a formal discourse of his endeavours to serve your majesty ever since he went up with an offer of the crown to the Prince of Orange, and of the message he had sent your majesty, said he was now desired to meet with us to tell us, that he had got a return, and that there was a great bundle of papers come over, but considering we were all of one interest, he would not open it, nor look on any thing till we did it altogether, and entreated we might meet that afternoon; and to shew the entire trust he had in us, he would keep nothing that he knew from us, but would shew what he had received from the king. The Earl of Arran excused himself from meeting, pretending he was obliged to go out of town; but the true reason was, he thought they had cheated him in not sending for his commission to be general, as was agreed among them at London. The Duke of Queensberry also excused himself, so that none came but the Marquis of Annandale, Linlithgow, Ross, Breadalbine, and myself: Sir James brought in a black box, which was a burden for him to carry, which I looked upon and considered the seals, because I always expected a trick from him; he told us, he had brought all except a letter from your majesty to himself, without knowing, as he shall answer to Almighty God, what was in the box; which none of us believed, for he did quite change the packthread, and clapped on his own seal, after he had opened the box and shewn what he thought fit to bring. We were all in a great confusion to find that we had joined ourselves to such a crew, that had so much knavery to impose those things on your majesty, and so much weakness to think they could bring about all your enemies to declare for you without any force; they were in no less confusion than we, finding we saw their folly in undertaking things they had not the least shadow of power to perform.

They had promised to get all the parliament to declare for your majesty, and immediately meet in your name, and the Earl of Argyle commissioner, who was made a marquis, and Sir James made Earl of Air, Lord Ross likewise an earl, and all employments of church and state and army entirely put into their hands, and these of their friends were generally the greatest enemies to monarchy.

There were likewise great bundles of letters not directed, but left to their direction to be given to any of your friends they thought fit to trust, which indeed we thought a little hard to be put in their hands, who had been for fighting your majesty, and also endeavouring to ruin us on your account; besides what we saw, there were many other commissions, patents, and remissions that were made public by themselves, after they made their discovery to Lord Melvil; but though they were found to get these commissions when they came, they were confounded what to do with them. To keep them, they saw there would be no use for them, and they put them in a continual hazard, so it was resolved that they should be all burnt, but their patent. Next how to dispose of their messenger put them in a great disorder, which made the Earl of Linlithgow carry him to his house, some miles from Edinburgh, where, after he had staid some nights, he got from him all that Sir James had and concealed, notwithstanding Sir James wrote to Mr Jones, not to trust any of us with his message, but as far as he had already shewn; yet all was out before the letter came to his hands, besides Mr Jones had been but a few hours in Edinburgh, yet he plainly saw all Sir James's projects were miserably founded, which made him beg to be employed back again to your majesty; but few of us desired any more to do with Sir James or his messenger; for afterwards we had little meddling with them, though they extremely desired it, and yet we should send back Mr Jones with a blank sheet of paper, subsigning to be filled up when he came to your majesty with our advice, which the Duke of Queensberry, Linlithgow, Breadalbine, and myself absolutely refused, which almost broke us entirely with them, and the more because some of our number complied with their desires, for the Earl of Arran not only did it himself, but also got the Lord Murray to do it also, though he had not been engaged with us in any of your concerns; but on the contrary, we looked upon him as one of the principal destroyers of your affairs, both in the Highlands, and at the beginning of the Revolution. In the Highlands your affairs had no better success than in the parliament, for General Buntein having come too near the enemy, Sir Thomas Livingstone, with a party of dragoons, surprised him at Cromdell, killed about one hundred, made several prisoners, and dispersed his whole party. When this news came to Edinburgh of a defeat, your friends then repented their not embracing the offer of a cessation of arms made by the Prince of Orange, which Tarbat had the management of, but not being desirous to appear above board himself in such a transaction, he proposed it to the Earl of Breadalbine, with the offer of 5000*l.* sterling, if he could accomplish it, for the Prince of Orange was extremely desirous to have all settled before he went to Ireland, but the Earl of Breadalbine would not meddle in such an affair without the consent of your friends at Edinburgh, who at that time would not hear of it, so the Earl of Breadalbine very generously gave it over, though, besides the 5000*l.* sterling, he had other considerable rewards offered him; so after this departure, we were all willing a treaty might be brought on again, considering at least it would gain time until the Highlanders put themselves in a posture of defence. The Prince of Orange was just then going to Ireland, which made the Earl of Breadalbine endeavour to meet him to get the cessation ended, but he was gone before he got to him, by which the Highlanders were left to the mercy of their enemies, who might have ruined them if they had pursued the victory of Cromdell.

Your friends at Edinburgh were in no better condition, being forced to sit in a meeting in the middle of their enemies, and hear them establish presbytery, and rescind all acts that had been any way prejudicial to your interest, restoring all forfeitures and

fines, (though transacted for) that was granted by your brother or your majesty for these that served you against them; and above all, their forfeiting these who appeared for you in arms, except Sir William Wallace, who was overlooked, though they had as full probation against him as any of the rest; and, to finish our misfortunes, the considerable of these of that party we had joined, not only left us, but betrayed us so soon as they saw small probability of effectuating their own designs; which was the only thing they had still and all along aimed at, and not your service, as they pretended, some days before the Prince of Orange went to Chester.

I had notice given me by Mr Ogilvie, that the Lord Ross designed to go to meet him, and make a discovery of all he knew; which made us send the Earl of Linlithgow to him, to try if he had such inclinations; but he protested to the contrary with great oaths; some were inclined to believe him, and others were for taking a sure way to hinder his discovery, since their own lives and estates depended on your affairs; but it was of so dangerous a consequence and so unjust, unless we had great proof or suspicion, that most of us abhorred the motion.

A few days after, though he gave over his journey to Chester, believing by what the Earl of Linlithgow said to him, that we suspected him, and so might have way-laid him; yet notwithstanding of all his renewed oaths, he sent for one Mr Dundas, a fanatick minister, and revealed all he knew to him, and also told him, that he was under great troubles of conscience, and desired his prayers to enable him to open his heart to him; after long prayers, and many sighs and tears, he told him all he knew: God was thanked as being the effect, Mr Dundas's prayers being heard.

The next morning he sent the minister to Lord Melvil, to tell him, that he had a business of great import to tell the queen, for which he desired a pass, and immediately had it; and before he went, he told Melvil in general, that there were dangerous matters against the king and government, in which he had too great a share, and for which he sought God's pardon, but was denied, and was now going to seek it from the queen, to whom he would discover all he knew, when at London.

The first meeting he had with the Princess of Orange, he told her the whole affair, and laid all the blame on Sir James Montgomery; when she had heard all the history, she sent for the Earls of Denbigh and Nottingham, that he might tell it all over again before them; but when they came in, he denied all he had said to the princess; he never thought she would make any other use of it, than to prevent the danger she and the king were in; but nothing ever forced him to give evidence against those he had been in friendship with; for this he was immediately sent to the Tower, where he lay for eight or ten months; nor could any thing ever induce him to say more, though he had both threatnings and all arguments to enforce him. It was no sooner known that Lord Ross was gone, but his errand was made publick.

Mr Dundas, (according to the custom of his profession) made no secret of his confession, which so much alarmed Sir James Montgomery, that he resolved not to be long behind him, for he saw himself ruined by his violent party; he had been professing to all of them all along principles so far to the contrary, but to make a confession to his mortal enemy, Lord Melvil, to seek mercy from the Prince and Princess of Orange, who he knew abhorred him, were a hard step; yet with a good share of confidence and assurance of making a fine story of it to their advantage, he doubted not to succeed with Lord Melvil; he insinuated so far, as to be trusted to go to London, to tell his business himself; and to gain the greater credit with Melvil, he put into his hands what letters he had received from the queen, which was a joyful sight to him; for from that time they continued, he ventured to touch all the acts which was believed he could never do, which were displeasing to the Prince of Orange, though he was forced, to please the club party, to put them in his instructions, and several for which he had no warrant, making the imminent danger they were in an excuse of all. In

these letters were several promises of assurance from France, of men, money, and arms; he likewise gave up the instructions sent to the Earl of Annandale, when he should be commissioner to the parliament; but in all their discoveries there was never a word mentioned of their patents, and remissions were sent to Duke Hamilton, and others of their friends.

When Sir James came to London, he was so cautious as not to go near the Princess of Orange, till he had assurance, that in case they could not agree in their terms, he should not be detained, which was granted; but though he confessed most of all that passed of his transactions with your majesty, yet he would neither promise to be an evidence, nor give his advice how things might be prevented, which, to magnify himself, he made the hazard much greater than it was, unless he were secure of a full pardon of all the crimes he should name, and then have a good employment, pretending the lowness of his estate, which was drawn by the severity of the last government. The Princess of Orange would have willingly granted all he demanded, and wrote to the Prince of Orange in his favour in Ireland; but some things had passed betwixt the Prince of Orange and Sir James in private, which made the prince to have such an abhorrence of him, that he could not hear of employing him; a remission he would have granted upon condition of his being an evidence, but that could not do Sir James's business, so he absented, and a few months after did all he could again to justify himself to your friends, which took not with a few. The Earl of Argyle quickly followed Sir James; yet went not to London, but lived privately at the Bath, which, when it was known, there was a warrant sent down to bring him up; but one Mr ——, who had been mayor of the town, helped him to escape. When he was come to London, Mr Ferguson maintained him privately for several weeks; at last, he, wearied of lurking, sent for Mr Lockhart, whom Lord M——l kept then at London to do business in his absence; he told of the mayor of Bath, and of Mr Ferguson, that had entertained him, and signed a confession the most scandalous that any thing of the name of a gentleman ever did, for he not only told what had passed among us in publick, but private conversations he had with several of your friends, and likewise of Payne all that had passed between them at first meeting, for which Mr Payne was put to the torture, and endured it with great courage and constancy; and that which made his part more base was, after Mr Payne had escaped out of prison, fled to Scotland; thinking he would be secure with the Earl of Argyle, he came to a country-house, and was taken there by Argyle's own servants, and brought to Edinburgh, where (upon the Earl of Argyle's confession against him in England) he suffered the uttermost barbarity. The treachery of these three made all our friends at Edinburgh so concerned, though they were not fully informed of their hazard, that most of them left it.

The Massacre of Glenco; being a true Narrative of the barbarous Murder of the Glencomen, in the Highlands of Scotland, by Way of Military Execution, on the 13th of February, 1692. *Containing the Commission under the Great Seal of Scotland, for making an Enquiry into that horrid Murder: The Proceedings of the Parliament of Scotland upon it: The Report of the Commissioners upon the Enquiry, laid before the King and Parliament: And the Address of the Parliament to King William, for Justice upon the Murderers: Faithfully extracted from the Records of Parliament, and published for undeceiving those who have been imposed upon by false Accounts.* 1703.

The abominable and treacherous massacre of the sept of Macdonalds of Glenco, has been always esteemed the greatest blot of King William's reign. The best justification of the monarch was, that he was persuaded by Dalrymple and Breadalbane, who had their own motives for destroying Glenco, that this unfortunate chieftain was a principal obstacle to the pacification of the Highlands; and it is added in William's behalf, that military execution did not sound extraordinary in the ears of one who had always lived at the head of armies. But it is impossible to deny the rashness and barbarity of the order, although it even seems to have been exceeded by the cruelty with which it was carried into execution.

It was not until 1695, that the cry of the nation produced some show of an enquiry into this bloody transaction. But to prevent its being moved in the Scottish parliament, where it was not likely to be so lightly passed over, the king directed a commission under the great seal to certain persons, all dependants of government, to take a precognition of that matter. The commissioners gave in the report, which is hereafter transcribed, acknowledging in plain terms the atrocity of the massacre; but declaring that it was not warranted by the king's instructions. The Scottish parliament, upon obtaining, with some difficulty, a copy of the commissioners report, drew up an address to the king, in which they charge the crime upon the *excess*, as they term it, in Secretary Dalrymple's letters against the Glenco men, and upon the subordinate agents in that cruelty, but exculpating Sir Thomas Levingston and Hill, the principal military commanders.

It was remarkable in these proceedings, that though they professed to be set on foot for the vindication of the justice and honour of government, yet neither was the justice of government signalized, for none of the perpetrators were ever called to account, several were preferred, and all such as thought it worth while to ask for remissions, obtained them; nor could it be deemed a more effectual vindication of the honour of government, since neither the address nor report were ever made public till after the king's death, and were then published by the Jacobites.

Sir,

In answer to yours of the first of October, I herewith send you, from the records of our parliament, a true and authentic account of the massacre of Glenco, as you righteously call it. I wish this matter could have been forgotten to eternity; but since you say it is altogether needful for the vindication of the justice of our country, against many false slanderous accounts that are daily given of that business in England, I am willing you print what I now send you; and that you may be furnished to answer all objections against the truth of this narrative, you may inform any Englishman of qua-

lity, that is willing to be satisfied in the matter, that the report of the commission, the address of our parliament, herewith sent you, and the duplicates of the Lord Stair's letters, are, or were at least, in the Scots secretary's office at London; or, if they should happen to be withdrawn from thence, they may inform themselves fully in the truth of this from Mr Johnston, who was at that time secretary of state for Scotland, and had particular directions from the late Queen Mary to push on this enquiry, and search into the bottom of that horrid murder; for her majesty was grieved at the heart, that the reputation of the king her husband should have suffered so much by that affair. I would not, however, that Mr Johnston should know any thing of your design to publish this; for though you know as well as I, that his diligence to serve and obey the queen in this matter, was always judged here to be one of the chief causes of our nation's losing that able and honest minister; yet he is so nice in point of honour, that he chused rather to be unjust to himself, and to lie under imputations, than to give any part of those papers to be published, though frequently urged to it; because he said it would be undecent in him, that had once been his majesty's secretary, to do any such thing: therefore, though you are carefully to conceal this matter from him till it be published, yet as soon as it is, I must pray you, if you think it proper, to go and tell him that I beg his pardon for making this appeal to him without his leave; and though I may suffer in hisgood opinion by what I have done, yet, if this publication may any ways oblige him to do himself, his late master, and his country further justice, by telling what he knows more of the matter, I shall be the easier under his displeasure. I had almost forgot to notice, that the Duke of Athole, the lord chancellor, and Marquis of Annandale, all now at London, were members of the commission, who made the inclosed report; and however scrupulous they may have been in point of honour, to communicate any papers relating to this matter, they cannot in honour but own, that this history is authentick, if any of the English nobility think fit to enquire at them about it; but you must be careful to let none of them know any thing of your design to publish it, or which way you have this information; though, if they should come to know it, I chuse rather to incur their displeasure, by appealing to them, than to omit any thing that lies in my power, to vindicate the honour and justice of our country.

Edinburgh, Nov. 1, 1703.

Commission for the Trial of the Slaughter committed at Glenco, upon the 13th Day of February, 1692.

Gulielmus Dei Gr. Mag. Brit. &c. Omnibus probis hominibus, ad quos præsentes literæ nostræ pervenerint, salutem. Quandoquidem nos considerantes, quod etiamsi nos, anno Dom. 1693, per expressam instructionem, potestatem concessimus, de mortuo Gulielmo Duci de Hamilton, aliisque, pro examinando et inquirendo de cæde quorundam cognominis de Macdonald aliorumque de Glenco, an. Dom, 1662, et de modo et de methodo commissionis ejusdem. Nihilominus inquisitio quæ tunc facta erat in prosecutione dictæ instructionis defectiva erat, nosque etiam perpendentes, quod methodus maxime efficax pro plena informatione accipienda de veris circumstantiis rei antedictæ, erit commissio in hunc effectum, cumque nobis abunde satisfactum sit de facultatibus et aptitudine personarum infra nominatarum in fines supra expressos: Sciatis igitur nos nominasse et constituisse tenoreque presentium nominare et constituere fidelissimos et dilectissimos nostros consanguineos et consiliarios, Joannem Marchionem de Tweddale supremum nostrum Cancellarium, et Guliel. Comit. d'Anandale et fideles et dilectos nostros consiliarios Joannem Dominum Murray, Dom. Jacobum Stuart, advocatum nostrum, Adamum Cockburn de Ormiston nostrum justitiarium clericum, Magistrum

Archib. Hope de Rankeiller, et Dom. Guliel. Hamilton de Whitelaw, Senatores Nostri Collegii Justitiæ, Dom. Jacob. Ogilvy Sollicitatorem Nostrum, et Adamum Drummond de Meggins (quorum quinque numerus erit legitimus ac cum potestate iis clericum suum eligendi) commissionarios nostros pro capienda precognitione et inquisitionem faciendo de cæde prædicta, per quos et quomodo, et per quam coloratam authoritatem commissa erat, atque in ordine ad detectionem ejusdem cum potestate dictis commissionariis, requirendi omnia warranta seu directiones quæ eatenus concessa fuere, atque etiam examinandi omnes personas, quæ in re antedicta negotium habuere atque etiam testes prout necessarium invenietur, sive per eorum juramenta, sive declarationes, et tunc postea dicti commissionarii nobis transmittent verum statum rei antedictæ una cum probationibus et testimoniis coram ipsis adducendis, uti post debitam et plenam informationem, necessarias directiones, eatenus concedamus prout nobis congruum videbitur. In cujus rei testimonium, presentibus, magnum sigillum nostrum appendi mandavimus apud aulam nostram de Kensington, vigesimo nono die mensis Aprilis, anno Domini milesimo sexcentesimo nonagesimo quinto, annoque regni nostri septimo.

Per signaturam manu. S. D. N. regis suprascriptam.

Written to the great seal and reg. May 20, 1695.

Don. Rannald, Deputy.

Sealed at Edinburgh, May 20, 1695.

Jo. Dicksone.

In English thus:

William, by the grace of God, King of Great Britain, &c. To all good men to whom these presents shall come, greeting. Whereas we have taken into consideration, that though in the year of our Lord 1693, we gave power, by express instructions, to William Duke of Hamilton, deceased, and others, to examine and enquire into the slaughter of certain people of the name of Macdonald and others in Glenco, in the year 1692, and into the way and manner how the same was committed; yet, nevertheless, the enquiry then made, pursuant to the said instructions, was defective; and considering, likewise, that the most effectual method for receiving full information of the true circumstances of the matter aforesaid, must be by a commission to that effect; and being very well satisfied of the abilities and fitness of the persons under-named, for the ends above expressed; know ye, therefore, that we have named and constituted, and by the tenor of these presents do name and constitute, our right trusty and well-beloved cousin and councellor, John Marquis of Tweddale, our high chancellor, and William Earl of Annandale, and our trusty and beloved councellors John Lord Murray, Sir James Stuart, our advocate, Adam Cockburn of Ormiston, our justice clerk, Mr Archibald Hope, of Rankeiller, and Sir William Hamilton of Whitelaw, senators of our college of justice, Sir James Oglivy our solicitor, and Adam Drummond of Meggins (of whom five shall be a quorum, and granting them power to chuse their own clerk) our commissioners, to take precognition and make enquiry into the slaughter aforesaid, by whom, and how, and by what colour of authority, the same was committed: And in order to the discovery of the same, we give power to the said commissioners to send for all warrants and directions, granted for that end; and likewise to examine all persons, that had any hand in the business aforesaid, and likewise to examine witnesses as shall be found necessary, either upon oath or declaration; and afterwards the same commissioners shall transmit to us the true state of the matter aforesaid, together with

the proofs and evidence that shall be brought before them; that, after due and full information, we may give such declarations thereupon, as to us shall seem meet and necessary. In testimony whereof, we have commanded our great seal to be appended to these presents.

Given at our court of Kensington, the 29th day of April, 1695, and of our reign the seventh.

Superscribed by the signature of the hand-writing of our most serene Lord the KING.

Written to the great seal, and registered the 20th day of May, 1695.

DON. RANNALD, Deputy.

Sealed at Edinburgh, May 20, 1695.

JO. DICKSONE.

Upon the 23d of May, 1695, this commission was read in parliament, and the house voted *nemine contradicente*, That his majesty's high commissioner transmit the humble thanks of the parliament to his majesty, for ordering an enquiry into that matter, whereby the honour and justice of the nation might be vindicated.

It being urged that the commission should proceed with diligence, as being a national concern, and that the discovery be made known to the house before its adjournment, his grace assured them, that he doubted not of his majesty's giving satisfaction to his parliament in that point, and that before they parted.

The commissioners proceeded according to order, and made the following report:

Report of the Commission given by his Majesty, for enquiring into the Slaughter of the Men of Glenco, subscribed at Halyrud-House, the 20th Day of June, 1693.

John Marquis of Tweddale, Lord High Chancellor of Scotland; William Earl of Annandale; John Lord Murray; Sir James Stuart, his majesty's advocate; Adam Cockburn of Ormistoun, Lord Justice Clerk; Sir Archibald Hope of Rankeiller, and Sir William Hamilton of Whitelaw, two of the senators of the College of Justice; Sir James Ogilvy, his majesty's solicitor, and Adam Drummond of Meggins, commissioners appointed by his majesty, by his commission under the great seal of the date the 29th of April last, to make enquiry, and to take trial and precognition about the slaughter of several persons of the sirname of Macdonald, and others, in Glenco, in the year 1692, by whom, and in what manner, and by what pretended authority, the same was committed, with power to call for all warrants and directions given in that matter; as also to examine all persons who had a hand therein, with what witnesses they should find necessary either upon oath or declaration, and to report to his majesty the true state of the matter; with the evidence and testimonies to be adduced before them, as the said commission more amply bears. Having met and qualified themselves by taking the oath of allegiance and assurance, conform to the act of parliament, with the oath *de Fideli*, as in such cases, did, according to the power given to them, chuse Mr Alexander Munro of Beircroft to be their clerk; and he having also qualified himself as above, they proceeded into the said enquiry, to call for all warrants and directions, with all such persons, as witnesses, that might give light in the said matter; and having considered the foresaid warrants and directions produced before them, and taken the oaths and depositions of the witnesses undernamed, they, with all submission, lay the report

of the whole discovery made by them before his majesty, in the order following: And, first, of some things that preceded the said slaughter. Secondly, of the matter of fact, with the proofs and evidence taken, when, and in what manner, the same was committed. Thirdly, of the warrants and directions that either really were, or were pretended for the committing it. And, lastly, the commissioners humble opinion of the true state and account of that whole business.

The things to be remarked preceding the said slaughter were, That it's certain the Lairds of Glenco and Auchintriaten, and their followers, were in the insurrection and rebellion made by some of the Highland clans, under the command first of the Viscount of Dundee, and then of Major-General Buchan, in the years 1689 and 1690. This is acknowledged by all. But when the Earl of Braidalben [1] called the heads of the clans, and met with them in Auchallader, in July 1691, in order to a cessation, the deceased Alexander Macdonald of Glenco was there, with Glengary, Sir John Maclene, and others, and agreed to the cessation, as it is also acknowledged: But the deceased Glenco's two sons, who were at that time with their father in the town of Auchallader, depone, That they heard that the Earl of Braidalbin did, at that time, quarrel with the deceased Glenco, about some cows that the earl alledged were stolen from his men by Glenco's men; and that though they were not present to hear the words, yet their father told them of the challenge; and the two sons, with Ronald Macdonald, indweller in Glenco, and Ronald Macdonald, in Innerriggen, in Glenco, do all depone, That they heard the deceased Glenco say, that the Earl of Braidalbin, at the meeting of Auchallader, threatened to do him a mischief, and he feared a mischief from no man so much as from the Earl of Braidalbin, as their depositions at the letter A, in the margin, bears. And Alexander Macdonald, second son to the deceased Glenco, doth farther depone, That he hath often heard from his father and others, that there had been in former times blood betwixt Braidalbin's family and their clan, as his deposition at the same mark bears. And here the commissioners cannot but take notice of what has occurred to them in two letters from Secretary Stair to Lieutenant-Colonel Hamilton, one of the first, and another of the third of December, 1691, wherein he expresses his resentment from the marring of the bargain that should have been betwixt the Earl of Braidalbin and the Highlanders, to a very great height; charging some for their despite against him, as if it had been the only hinderance of that settlement: Whence he goes on in his, of the third of December, to say, That since the government cannot oblige them, it is obliged to ruin some of them to weaken and frighten the rest, and that the Macdonalds will fall in this net. And, in effect, seems even from that time, which was almost a month before the expiring of the king's indemnity, to project with Lieutenant-Colonel Hamilton, that some of them should be rooted out and destroyed. His majesty's proclamation of indemnity was published in August, 1691, offering a free indemnity and pardon to all the Highlanders who had been in arms, upon their coming in and taking the oath of allegiance betwixt then and the first of January thereafter: And in compliance with the proclamation, the deceased Glenco goes about the end of December, 1691, to Colonel Hill, governor of Fort William, at Inverlochie, and desired the colonel to minister to him the oath of allegiance, that he might have the king's indemnity: But Colonel Hill, in his deposition, marked with the letter B, doth farther depone, That he hastened him away all he could, and gave him a letter to Ardkinlas to receive him as a lost sheep; and the colonel produces Ardkinlas's answer to that letter, dated the ninth of January, 1691, bearing, that he had endeavoured to receive the great lost sheep Glenco; and that Glenco had under-

[1] The Earl of Breadalbane had been entrusted by King William's government to treat with the Highlanders for their submission. It is said he had 30,000l. of secret-service money allowed him to facilitate this business, and when required to account for the disbursement, would only do so in these general terms: "The money is spent—the Highlands are quiet—and this is the best way of accounting among friends."

taken to bring in all his friends and followers, as the privy council should order; and Ardkinlas farther writes, that he was sending to Edinburgh, that Glenco, though he had mistaken in coming to Colonel Hill, to take the oath of allegiance, might yet be welcome, and that thereafter the colonel should take care that Glenco's friends and followers may not suffer, till the king and council's pleasure be known, as the said letter, marked on the back with the letter B, bears; and Glenco's two sons, abovenamed, do depone in the same manner, That their father went about the end of December to Colonel Hill, to take the oath of allegiance; but finding his mistake, and getting the colonel's letter to Ardkinlas, he hasted to Inverary as soon as he could for the bad way and weather; and did not so much as go to his own house, in his way to Inverary, though he past within half a mile of it, as both their depositions at the letter B bear: And John Macdonald, the eldest son, depones farther, at the same mark, That his father was taken in his way, by Captain Drummond, at Barkaldin, and detained twenty-four hours.

Sir Colin Campbell, of Ardkinlas, sheriff-depute of Argyle, depones, That the deceased Glenco came to Inverary about the beginning of January, 1692, with a letter from Colonel Hill to the effect above mentioned; and was three days there before Ardkinlas could get thither, because of bad weather; and that Glenco said to him, that he had not come sooner, because he was hindered by the storm; and Ardkinlas farther depones, That when he declined to give the oath of allegiance to Glenco, because the last of December, the time appointed for the taking of it, was past, Glenco begged with tears that he might be admitted to take it, and promised to bring in all his people within a short time to do the like; and if any of them refused, they should be imprisoned or sent to Flanders: Upon which Ardkinlas says, he did administer to him the oath of allegiance upon the sixth of January, 1692, and sent a certificate thereof to Edinburgh, with Colonel Hill's letter to Colin Campbell, sheriff-clerk of Argyle, who was then at Edinburgh; and further wrote to the said Colin, that he should write back to him, whether Glenco's taking of the oath was allowed by the council or not, as Ardkinlas's deposition at the letter B testifies; and the said Colin, sheriff-clerk, depones, That the foresaid letters, and the certificate relating to Glenco, with some other certificates relating to some other persons, all upon one paper, were sent in to him to Edinburgh by Ardkinlas; which paper being produced upon oath by Sir Gilbert Elliot, clerk of the secret council, but rolled and scored, as to Glenco's part, and his taking the oath of allegiance, yet the commissioners found that it was not so delete or dashed, but that it may be read that Glenco did take the oath of allegiance at Inverary the sixth day of January, 1692;[1] and the said Colin Campbell depones, That it came to his hand fairly written, and not dashed, and that with this certificate he had the said letter from Ardkinlas (with Colonel Hill's above-mentioned letter to Ardkinlas inclosed) bearing how earnest Glenco was to take the oath of allegiance; and that he had taken it upon the sixth of January, but that Ardkinlas was doubtful if that the council would receive it, and that the sheriff-clerk did produce before the commissioners the foresaid letter by Colonel Hill to Ardkinlas, dated at Fort William the 31st day of December, 1691, and bearing that Glenco had been with him, but slipped some days out of ignorance, yet that it was good to bring in a lost sheep at any time, and would be an advantage to render the king's government easy; and with the said sheriff-clerk, the Lord Aberuchil, Mr John Campbell, writer to the signet, and Sir Gilbert Elliot, clerk to the council, do all declare that Glenco's taking the oath of allegiance, with Ardkinlas's foresaid certificate, as to his part of it, did come to Edinburgh, and was seen by them fairly written, and not scored or dashed; but that Sir Gilbert,

[1] This vitiation of the record was not the least base circumstance of the transaction. It was an act of forgery, committed to screen or justify an abominable murder.

and the other clerk of the council, refused to take it in, because done after the day appointed by the proclamation. Whereupon the said Colin Campbell, and Mr John Campbell, went, as they depone, to the Lord Aberuchil, then a privy counsellor, and desired him to take the advice of privy counsellors about it; and accordingly they affirm, that Aberuchil said he had spoke to several privy counsellors, and partly to the Lord Stair; and that it was their opinion that the foresaid certificate could not be received without a warrant from the king; and that it would neither be safe to Ardkinlas, nor profitable to Glenco, to give in the certificate to the clerk of the council; and this the Lord Aberuchil confirms by his deposition, but doth not name therein the Lord Stair: And Colin Campbell, the sheriff-clerk, does farther depone, That with the knowledge of the Lord Aberuchil, Mr John Campbell, and Mr David Moncrief, clerk to the council, he did, by himself, or his servant, score or delete the foresaid certificate, as it now stands scored, or obliterate, as to Glenco's taking the oath of allegiance, and that he gave it in so scored or obliterate, to the said Mr David Moncrief, clerk of the council, who took it in as it is now produced. But it doth not appear, by all these depositions, that the matter was brought to the council-board, that the council's pleasure might be known upon it, though it seems to have been intended by Ardkinlas, who both writ himself, and sent Colonel Hill's letter for to make Glenco's excuse, and desired expressly to know the council's pleasure.

After that Glenco had taken the oath of allegiance, as is said, he went home to his own house, and, as his own two sons, above-named, depone, he not only lived there for some days quietly and securely, but called his people together, and told them he had taken the oath of allegiance, and made his peace, and therefore desired and engaged them to live peaceably under King William's government, as the depositions of the said two sons, who were present, marked with the letter E, bears.

These things having preceded the slaughter, which happened not to be committed until the thirteenth of February, 1692, six weeks after the deceased Glenco had taken the oath of allegiance at Inverary. The slaughter of the Glenco-men was in this manner, viz. John and Alexander Macdonalds, sons to the deceased Glenco, depone, That Glengary's house being reduced, the forces were called back to the south, and Glenlyon, a captain of the Earl of Argyle's regiment, with Lieutenant Lindsay and Ensign Lindsay, and six score soldiers, returned to Glenco about the first of February, 1692, where, at the entry, the elder brother John met them with about twenty men, and demanded the reason of their coming; and Lieutenant Lindsay shewed him his orders for quartering there, under Colonel Hill's hand, and gave assurance that they were only come to quarter; whereupon they were billetted in their country, and had free quarters, and kind entertainment, living familiarly with the people until the thirteenth day of February. And Alexander farther depones, That Glenlyon, being his wife's uncle, came almost every day and took his morning drink at his house; and that the very night before the slaughter, Glenlyon did play at cards in his own quarters with both the brothers. And John depones, That old Glenco, his father, had invited Glenlyon, Lieutenant Lindsay, and Ensign Lindsay, to dine with him upon the very day the slaughter happened. But on the thirteenth day of February, being Saturday, about four or five in the morning, Lieutenant Lindsay, with a party of the foresaid soldiers, came to old Glenco's house, where having called in a friendly manner, and got in, they shot his father dead with several shots as he was rising out of his bed; and the mother having got up and put on her cloaths, the soldiers stripped her naked, and drew the rings off her fingers with their teeth; as likewise they killed one man more, and wounded another grievously at the same place: And this relation they say they had from their mother; and is confirmed by the deposition of Archibald Macdonald, indweller in Glenco, who farther depones, that Glenco was shot behind his back with two shots, one through the head, and the other through the body, and two more were killed with him in that place, and a third wounded and left for dead: And this he knows, because he came

that same day to Glenco's house, and saw his dead body lying before the door, with the other two that were killed, and spoke with the third that was wounded, whose name was Duncan Don, who came there occasionally with letters from the brae of Mar.

The said John Macdonald, eldest son to the deceased Glenco, depones, The same morning that his father was killed there came soldiers to his house before day, and called at his window, which gave him the alarm, and made him go to Innerriggen, where Glenlyon was quartered, and that he found Glenlyon and his men preparing their arms, which made the deponent ask the cause; but Glenlyon gave them only good words, and said they were to march against some of Glengarie's men, and if there were ill intended, would not he have told Sandy and his niece? meaning the deponent's brother and his wife; which made the deponent go home, and go again to his bed, until his servant, who hindered him to sleep, raised him; and when he rose and went out, he perceived about twenty men coming towards his house, with their bayonets fixed to their muskets, whereupon he fled to the hill, and having Auchnaion, a little village in Glenco, in view, he heard the shots wherewith Auchintriaten and four more were killed; and that he heard also the shots at Innerriggen, where Glenlyon had caused to kill nine more, as shall be hereafter declared; and this is confirmed by the concurring deposition of Alexander Macdonald his brother, whom a servant waked out of sleep, saying, It is no time for you to be sleeping, when they are killing your brother at the door; which made Alexander to flee with his brother to the hill, where both of them heard the foresaid shots at Auchnaion and Innerriggen: And the said John, Alexander, and Archibald Macdonalds do all depone, That the same morning there was one Serjeant Barber, and a party at Auchnaion, and that Auchintriaten being there in his brother's house, with eight more sitting about the fire, the soldiers discharged upon them about eighteen shot, which killed Auchintriaten and four more; but the other four, whereof some were wounded, falling down as dead, Serjeant Barber laid hold on Auchintriaten's brother, one of the four, and asked him if he were alive? He answered, that he was, and that he desired to die without rather than within: Barber said, that for his meat that he had eaten, he would do him the favour to kill him without; but when the man was brought out, and soldiers brought up to shoot him, he having his plaid loose, flung it over their faces, and so escaped; and the other three broke through the back of the house and escaped; and this account the deponents had from the men that escaped. And at Innerriggen, where Glenlyon was quartered, the soldiers took other nine men, and did bind them hand and foot, killed them one by one with shot; and when Glenlyon inclined to save a young man of about twenty years of age, one Captain Drummond came and asked how he came to be saved, in respect of the orders that were given, and shot him dead; and another young boy of about thirteen years ran to Glenlyon to be saved; he was likewise shot dead, and in the same town there was a woman, and a boy about four or five years of age, killed; and at Auchnaion there was also a child missed, and nothing found of him but the head. There were likewise several killed at other places, whereof one was an old man about eighty years of age: And all this the deponents say they affirm, because they heard the shot, saw the dead bodies, and had an account from the women that were left; and Ronald Macdonald, indweller in Glenco, farther depones, That he being living with his father in a little town of Glenco, some of Glenlyon's soldiers came to his father's house, the said 13th day of February in the morning, and dragged his father out of his bed and knocked him down for dead at the door; which the deponent seeing, made his escape, and his father recovering after the soldiers were gone, got into another house; but this house was shortly burnt, and his father burnt in it; and the deponent came there after, and gathered his father's bones and buried them. He also declares, that at Auchnaion, where Auchintriaten was killed, he saw the body of Auchintraiten and three more cast

out and covered with dung: And another witness of the same declares, That upon the same 13th of February, Glenlyon and Lieutenant Lindsay, and their soldiers, did in the morning before day fall upon the people of Glenco, when they were secure in their beds, and killed them; and he being at Innerriggen fled with the first, but heard shots, and had two brothers killed there, with three men more and a woman, who were all buried before he came back. And all these five witnesses concur, that the aforesaid slaughter was made by Glenlyon and his soldiers, after they had been quartered and lived peaceably and friendly with the Glenco men about thirteen days, and that the number of those whom they knew to be slain were about twenty-five, and that the soldiers after the slaughter did burn the houses, barns, and goods, and carried away a great spoil of horse, nolt, and sheep, above 1000. And James Campbell, soldier in the castle of Sterling, depones, That in January, 1692, he being then a soldier in Glenlyon's company, marched with the company from Inverlochie to Glenco, where the company was quartered, and very kindly entertained for the space of fourteen days; that he knew nothing of the design of killing the Glenco men till the morning that the slaughter was committed, at which time Glenlyon and Captain Drummond's companies were drawn out in several parties, and got orders from Glenlyon and their other officers to shoot and kill all the countrymen they met with; and that the deponent being one of the party which was at the town where Glenlyon had his quarters, did see several men drawn out of their beds, and particularly he did see Glenlyon's own landlord shot by his order, and a young boy of about twelve years of age, who endeavoured to save himself by taking hold of Glenlyon, offering to go any where with him if he would spare his life, and was shot dead by Captain Drummond's order; and the deponent did see about eight persons killed, and several houses burnt, and women flying to the hills to save their lives. And, lastly, Sir Colin Campbell of Aberuchal depones, That after the slaughter, Glenlyon told him that Macdonald of Innerriggen was killed with the rest of the Glenco men, with Col. Hill's pass or protection in his pocket, which a soldier brought and shewed to Glenlyon.

The testimonies above set down being more than sufficient to prove a deed so notoriously known, it is only to be remarked, that more witnesses of the actors themselves might have been found if Glenlyon and his soldiers were not at present in Flanders with Argyle's regiment; and it is farther added, that Lieutenant-Colonel Hamilton, who seems by the orders and letters that shall be hereafter set down, to have had the particular charge of this execution, did march the night before the slaughter, with about 400 men, but the weather falling to be very bad and severe, they were forced to stay by the way, and did not get to Glenco against the next morning, as had been concerted betwixt Major Duncason and Lieutenant-Colonel Hamilton; so that the measures being broke, Lieutenant-Colonel Hamilton and his men came not to Glenco, till about eleven of the clock after the slaughter had been committed, which proved the preservation and safety of the tribe of Glenco, since by this means the far greater part of them escaped, and then the lieutenant-colonel being come to Cannelochleven, appointed several parties for several posts, with orders that they should take no prisoners, but kill all the men that came in their way. Thereafter some of the lieutenant-colonel's men marched forward in the Glen, and met with Major Duncason's party, whereof a part under Glenlyon had been sent by Lieutenant-Colonel Hamilton to quarter there some days before, and these men told how they had killed Glenco, and about thirty-six of his men, that morning, and that there remained nothing to be done by the lieutenant-colonel and his men, save that they burnt some houses, and killed an old man by the lieutenant-colonel's orders, and brought away the spoil of the country; and this in its several parts is testified by John Forbes, major in Colonel Hill's regiment, Francis Farquhar, and Gilbert Kennedy, both lieutenants in that regiment, who were all of the lieutenant-colonel's party, as their depositions more fully bear.

It may be also here noticed, that some days after the slaughter of the Glenco-men was over, there came a person from —— Campbell of Barcalden, chamberlain, *i. e.* steward to the Earl of Braidalbin, to the deceased Glenco's sons, and offered to them, if they would declare under their hands, that the Earl of Braidalbin was free and clear of the said slaughter, they might be assured of the earl's kindness for procuring their remission and restitution, as was plainly deponed before the commissioners.

It remains now to give an account of the warrants, either given, or pretended to be given, for the committing of the foresaid slaughter, for clearing whereof it is to be noticed, that the king having been pleased to offer by proclamation an indemnity to all the highland rebels, who shall come in, and accept thereof by taking the oath of allegiance, before the first of January, 1692; after the day was elapsed, it was very proper to give instructions how such of the rebels as had refused his majesty's grace should be treated, and therefore his majesty, by his instructions of the date of the 11th of January, 1692, directed to Sir Thomas Levingston, and super-signed and counter-signed by himself, did indeed order and authorise Sir Thomas to march the troops against the rebels who had not taken the benefit of the indemnity, and to destroy them by fire and sword, (which is the actual stile of our commissions against intercommuned rebels;) but with this express mitigation in the fourth article, viz. that the rebels may not think themselves desperate, we allow you to give terms and quarters, but in this manner only, that chieftains and heritors, or leaders, be prisoners of war, their lives only safe, and all other things in mercy, they taking the oath of allegiance; and the community taking the oath of allegiance, and rendering their arms, and submitting to the government, are to have quarters and indemnity for their lives and fortunes, and to be protected from the soldiers, as their principal paper of instructions produced by Sir Thomas Levingston bears.

After these instructions there were additional ones given by his majesty to Sir Thomas Livingston, upon the 16th of the said month of January, super-signed and counter-signed by his majesty, and the date marked by Secretary Stair's hand, which bear orders for giving of passes, and for receiving the submission of certain of the rebels, wherein all to be noticed to the present purpose is, that herein his majesty doth judge it much better that those who took not the benefit of the indemnity in due time, should be obliged to render upon mercy, they still taking the oath of allegiance; and then it is added, if Mackean of Glenco, and that tribe, can be well separated from the rest, it will be a proper vindication of the public justice to extirpate that sect of thieves; and of these additional instructions, a principal duplicate was sent to Sir Thomas Livingston, and another to Colonel Hill, and were both produced, and these were all the instructions given by the king in this matter.

But Secretary Stair, who sent down these instructions, as his letters produced, written with his hand to Sir Thomas of the same date with them, testify, by a previous letter of the date of the 7th of the said month of January, written and subscribed by him to Sir Thomas, says, "You know in general that these troops posted at Inverness and Inverlochie, will be ordered to take in the house of Innergarie, and to destroy entirely the country of Lochaber, Locheal's lands, Kippoch's, Glengarie's, and Glenco;" and then adds, "I assure you your power shall be full enough, and I hope the soldiers will not trouble the government with prisoners." And by another letter of the 9th of the said month of January, which is likewise before the instructions, and written to Sir Thomas as the former, he hath this expression: "That these who remain of the rebels are not able to oppose, and their chieftains being all papists, it is well the vengeance falls there; for my part, I could have wished the Macdonalds had not divided, and I am sorry that Kippoch and Mackean of Glenco are safe:" And then afterwards, "We have an account that Locheal, Macnaughton, Appin, and Glenco took the benefit of the indemnity at Inverary, and Kippoch and others at Inverness."

But this letter of the 11th of January sent with the first instructions to Sir Thomas hath this expression: "I have no great kindness to Kippoch nor Glenco, and it is well that people are in mercy, and then just now my Lord Argyle tells me, that Glenco hath not taken the oath; at which I rejoice. It is a great work of charity to be exact in rooting out that damnable sect, the worst of the Highlands." But in his letter of the 16th of January, of the same date with the additional instructions, though he writes in the first part of the letter, "the king does not at all incline to receive any after the diet, but on mercy," yet he thereafter adds, "but for a just example of vengeance, I entreat the thieving tribe of Glenco may be rooted out to purpose." And to confirm his by this letter of the same date, sent with the other principal duplicate, and additional instructions to Colonel Hill, after having written, "that such as render on mercy might be saved," he adds, "I shall entreat you that, for a just vengeance and public example, the tribe of Glenco may be rooted out to purpose; the Earls of Argyle and Braidalbin have promised that they shall have no retreat in their bounds, the passes to Ronoch would be secured, and the hazard certified to the Laird of Weems to reset them; in that case Argyle's detachment, with a party that may be posted in the island Stalker, must cut them off, and the people of Appin are none of the best."

This last letter, with the instructions for Colonel Hill, was received by Major Forbes in his name at Edinburgh; and the major depones, That by the allowance he had from the colonel, he did unseal the packet, and found therein the letter and instructions as above, which he sent forward to Colonel Hill; and that in the beginning of February, 1692, being in his way to Fort-William, he met some companies of Argyle's regiment at Bellisheils, and was surprised to understand that they were going to quarter in Glenco; but said nothing till he came to Fort William, where Colonel Hill told him, that Lieutenant-Colonel Hamilton had got orders about the affair of Glenco, and that therefore the colonel had left it to Lieutenant-Colonel Hamilton's management, who, he apprehends, had concerted the matter with Major Duncason. And Colonel Hill depones, That he understood that Lieutenant-Colonel Hamilton and Major Duncason got the orders about the Glenco men, which were sent to Lieutenant-Colonel Hamilton; that for himself he liked not the business, but was much grieved at it; that the king's instructions of the 16th of January, 1692, with the master of Stair's letters of the same date, were brought to him by Major Forbes, who had received them, and unsealed the packet at Edinburgh, as these two depositions do bear.

Yet the execution and slaughter of the Glenco men did not immediately take effect; and thereafter, on the 30th of the said month of January, the master of Stair doth again write two letters, one to Sir Thomas Livingston, which bears, "I am glad that Glenco did not come in within the time prefixed; I hope what is done there may be in earnest, since the rest are not in a condition to draw together to help; I think to harry (that is, to drive) their cattle, and burn their houses, is but to render them desperate lawless men to rob their neighbours; but I believe you will be satisfied it were a great advantage to the nation, that the thieving tribe were rooted out and cut off; it must be quietly done, otherwise they will make shift for both their men and their cattle; Argyle's detachment lies in Litrickweel to assist the garrison to do all of a sudden." And the other to Colonel Hill, which bears, "Pray, when the thing concerning Glenco is resolved, let it be secret and sudden, otherwise the men will shift you, and better not meddle with them, than not to do it to purpose, to cut off that nest of robbers, who have fallen in the mercy of the law, now when there is force and opportunity, whereby the king's justice will be as conspicuous and useful as his clemency to others. I apprehend the storm is so great, that for some time you can do little, but so soon as possible I know you will be at work, for these false people will do nothing but as they see you in a condition to do with them."

Sir Thomas Livingston having got the king's instructions, with Secretary Stair's letter of the sixteenth of January, and knowing by a letter he had from the master of Stair, of the date of the seventh of January, 1692, that Lieutenant-Colonel Hamilton was to be the man employed in the execution of the Glenco-men, in pursuance of the secretary's letter, he writes to Lieutenant-Colonel Hamilton upon the twenty-third of the said month of January, telling him, that it was judged good news that Glenco had not taken the oath of allegiance within the time prefixed; and that Secretary Stair, in his last letter, had made mention of him; and then adds, "For, sir, here is a fair occasion for you to shew, that your garrison serves for some use; and seeing that the orders are so positive from court to me, not to spare any of them that have not timely come in, as you may see by the orders I send to your colonel, I desire you would begin with Glenco, and spare nothing which belongs to him; but do not trouble the government with prisoners:" As this letter produced by Lieutenant-Colonel Hamilton bears.

And Sir Thomas being heard upon this letter, declared, 'That at that time he was immediately returned from his journey to London; and that he knew nothing of any soldiers being quartered in Glenco, and only meant that he should be prosecuted as a rebel standing out, by fair hostility:' And in this sense he made use of the same words and orders written to him by Secretary Stair. Thereafter Colonel Hill gives his order to be directed to Lieutenant-Colonel Hamilton, in these terms: "Sir, you are, with 400 of my regiment, and the 400 of my Lord Argyle's regiment, under the command of Major Duncason, to march strait to Glenco, and there put in due execution the orders you have received from the commander in chief. Given under my hand at Fort-William, the twelfth day of February, 1692." And this order is also produced by Lieutenant-Colonel Hamilton.

Then, the same day, Lieutenant-Colonel Hamilton wrote to Major Duncason in these terms: "Sir, pursuant to the commander in chief and my colonel's orders to me, for putting in execution the service against the rebels of Glenco, wherein you, with a party of Argyle's regiment, now under your command, are to be concerned, you are therefore to order your affairs so that you be at the several posts assigned you by seven of the clock to-morrow morning, being Saturday, and fall in action with them; at which time I will endeavour to be with the party from this place at the post appointed them. It will be necessary that the avenues minded by Lieutenant Campbell, on the south side, be secured, that the old fox, nor none of his cubs, get away. The orders are, that none be spared, nor the government troubled with prisoners." And the copy of this last order is produced under Lieutenant-Colonel Hamilton's own hand; and accordingly the slaughter of Glenco, and his poor people, did ensue the next morning, being the thirteenth of February, 1692, in the manner narrated.

And, upon the whole matter, it is the opinion of the commission; first, That it was a great wrong that Glenco's case and diligence, as to his taking the oath of allegiance, with Ardkinlas's certificate of his taking the oath of allegiance on the sixth of January, 1692, and Colonel Hill's letter to Ardkinlas, and Ardkinlas's letter to Colin Campbell, sheriff-clerk, for clearing Glenco's diligence and innocence, were not presented to the lords of his majesty's privy council, when they were sent into Edinburgh in the said month of January; and that those who advised the not presenting thereof were in the wrong, and seem to have had a malicious design against Glenco; and that it was a farther wrong, that the certificate, as to Glenco's taking the oath of allegiance, was delete and obliterate after it came to Edinburgh; and that being so obliterate, it should neither have been presented to, or taken in by the clerk of the council, without an express warrant from the council. Secondly, That it appears to have been known at London, and particularly to the master of Stair, in the month of January, 1692, that Glenco had taken the oath of allegiance, though after the day prefixed; for he

saith, in his letter of the thirtieth of January, to Sir Thomas Livingston, as is above remarked, "I am glad that Glenco came not in within the time prescribed." Thirdly, That there was nothing in the king's instructions to warrant the committing of the foresaid slaughter, even as to the thing itself, and far less as to the manner of it, seeing all his instructions do plainly import, that the most obstinate of the rebels might be received into mercy upon taking the oath of allegiance, though the day was long before elapsed, and that he ordered nothing concerning Glenco and his tribe, but that if they could be well separated from the rest, it would be a proper vindication of the publick justice to extirpate that sect of thieves, which plainly intimates, that it was his majesty's mind that they could not be separated from the rest of these rebels, unless they still refused his mercy, by continuing in arms, and refusing the allegiance; and that even in that case they were only to be proceeded against in the way of publick justice, and no other way. Fourthly, That Secretary Stair's letters, especially that of the eleventh of January, 1692, in which he rejoices to hear that Glenco had not taken the oath; and that of the sexteenth of January, of the same date with the king's additional instructions, and that of the thirtieth of the same month, were no ways warranted by, but quite exceeded the king's aforesaid instructions; since the said letters, without any insinuation of any method to be taken that might well separate the Glenco-men from the rest, did, in place of prescribing a vindication of public justice, order them to be cut off and rooted out in earnest, and to purpose, and that suddenly, and secretly, and quietly, and all on a sudden; which are the express terms of the said letters; and, comparing them and the other letters with what ensued, appear to have been the only warrant and cause of their slaughter, which in effect was a barbarous murder, perpetrated by the persons deponed against: And this is yet farther confirmed by two more of his letters, written to Colonel Hill, after the slaughter committed, viz. on the fifth of March, 1692, wherein, after having said that there was much talk at London, that the Glenco-men were murdered in their beds, after they had taken the allegiance, he continues, "For the last I know nothing of it; I am sure neither you, nor any body impowered to treat or give indemnity, did give Glenco the oath; and to take it from any body else, after the diet elapsed, did import nothing at all; all that I regrate is, that any of the sort got away, and there is a necessity to prosecute them to the utmost." And in another from the Hague, the last of April, 1692, wherein he says, "For the people of Glenco, when you do your duty in a thing so necessary, to rid the country of thieving, you need not trouble yourself to take the pains to vindicate yourself by shewing all your orders, which are now put in the Paris Gazette; when you do right, you need fear nobody." All that can be said is, that in the execution, it was neither so full nor so fair as might have been. And this is their humble opinion the commissioners with all submission return and lay before his majesty, in discharge of the foresaid commission.

Sic Subscribitur, Tweddale, Annandale (now Marquis of Annandale, and president of the privy council.) Murray (now Duke of Athol, and Lord Privy-seal.) James Stuart, (her majesty's advocate.) Adam Cockburn (late lord treasurer depute.) W. Hamilton (Lord Whitelaw, one of the lords of the session.) Ja. Ogilvie (now Earl of Seafield, and lord high chancellor.) A. Drummond.

The report being agreed on, and signed by the commissioners, several members moved in parliament on the 24th of June, that the said report should be laid before the house.

Upon which his majesty's high commissioner acquainted the parliament, that the report of the commission, for enquiring into the business of Glenco, being sent to his majesty on Thursday last, he would lay the same before them, with the depositions of the witnesses, and other documents relating thereto, for their satisfaction and full in-

formation; and if they thought fit to make any other use of it, he made no doubt it would be with that deference and submission to his majesty's judgment that becometh so loyal and zealous a parliament, in vindication of the justice and honour of his majesty's government.

Then the report from the commission, for enquiring into the slaughter of the Glenco men, was read, with the depositions of the witnesses, the king's instructions, and the master of Stair's letters for instructing the said report.

After hearing the said report, it was voted, *nemine contradicente*, that his majesty's instructions of the eleventh and sixteenth days of January, 1692, touching the Highland rebels, who did not accept, in due time, of the benefit of his indemnity, did contain a warrant for mercy to all, without exception, who should take the oath of allegiance, and come in upon mercy, though the first day of January, 1692, prefixed by the proclamation of indemnity, was past; and that therefore these instructions contained no warrant for the execution of the Glenco men, made in February thereafter. Then the question was stated and voted, if the execution of the Glenco men in February, 1692, as it is represented to the parliament, be a murder or not? and carried in the affirmative.

Moved, That since the parliament has found it a murder, that it may be enquired into, who were the occasion of it, and the persons guilty and committers of it, and in what way and manner they should be prosecuted. And after some debate thereon, the method of the said prosecution was delayed, and resolved, that this house will again take the same under consideration first on Monday next: And the master of Stair's letters were ordered to be put in the clerk's hands, and any members of parliament allowed an inspection thereof.

June 26, 1695. The enquiry into the persons who were the occasion of the slaughter of the Glenco men was again proponed, and mentioned, that before any farther procedure in that affair, there may be an address sent to his majesty on what is already past: And after some debate thereon, the question stated, Proceed farther in the enquiry before addressing his majesty, or Address upon what is already past without any farther procedure? And carried, Proceed farther before address.

Thereafter the question stated and voted, if they should first proceed to consider the master of Stair's letters, or the actors of the murder of the Glenco men? And carried, First to consider the master of Stair's letters.

Then the master of Stair's letters, with the king's instructions to Sir Thomas Livingston and Colonel Hill, and the fourth article of the opinion of the commission relating to the master of Stair's letters, do exceed the king's commission towards the killing and destroying the Glenco men or not? and carried in the affirmative.

June 28, 1695. The president of parliament represented, that there was a print dispersed, intituled, Information for the Master of Stair, reflecting upon the commission for enquiring into the slaughter of the Glenco men, and arraigning a vote of parliament: And therefore moved, that it may be enquired, who was the author of it, and that both he and the said print may be censured. Mr Hugh Dalrymple, brother to the master of Stair, a member of parliament, acknowledged himself to be the author, and gave an account of his mistakes; protesting that he therein intended no reflexion on the commission, and that the paper was written before the vote past in parliament, though printed and spread thereafter.

Resolved, That first the author, and then the print, be censured. And Mr Hugh was ordered to ask his grace and the parliament pardon; which he did, again declaring, that what was offensive in that paper had happened through mistake.

Thereafter agreed, that the said print was false and calumnious. And the question being stated, if the print spread abroad amongst the members of parliament, intituled,

Information for the Master of Stair, ought to be condemned as false and calumnious, and therefore burnt, or only that the print should be so marked in the minutes of parliament? it carried, that the print should be marked in the minutes of parliament to be false and calumnious.

Then the parliament proceeded farther in the enquiry of the slaughter of the Glencomen. And in the first place, as to the orders given by Sir Thomas Livingston, in two of his letters directed to Lieutenant-Colonel Hamilton: And the said letters being read, after debate thereon, it was put to the vote, Proceed or delay, and carried Proceed.

Then the question was stated, Whether Sir Thomas Livingston had reason to give such orders as were contained in these letters or not, and was carried in the affirmative, *nemine contradicente.*

July 8, 1695. The parliament having resumed the enquiry into the slaughter of the Glenco-men, and who were the actors; and in the first place about Lieutenant-Colonel Hamilton, and that part of the report of the commission relating to him, and the orders he got, and the orders he said he gave, with the depositions taken before the said commission; and after some debate thereon, the question was stated and put to the vote, If, from what appears to the parliament, Lieutenant-Colonel Hamilton be free from the murder of the Glenco-men; and whether there be ground to prosecute him for the same or not? and carried, He was not clear, and that there was ground to prosecute him.

Then the question was stated and voted as to Major Duncason, at present in Flanders, If the king should be addressed, either to cause him to be examined there about the orders he received, and his knowledge of that matter, or that he be ordered home to be prosecuted therefore, as his majesty shall think fit, or no? and carried in the affirmative.

Then that part of the report of the commission, as to Glenlyon, Captain Drummond, Lieutenant or Adjutant Lindsay, Ensign Lundy, and Serjeant Barber, read with the depositions of the witnesses against them; and the question stated and voted, If it appeared that the said persons were the actors of the murder of the Glenco-men under trust; and that his majesty be addressed to send them home to be prosecuted for the same according to law, or not? and carried in the affirmative.

Thereafter voted, If it should be remitted to the committee for the security of the kingdom to draw this address, or a new committee elected for drawing thereof? and carried Remit.

The report from the committee for security of the kingdom, in favour of the Glencomen, read, and remitted to the said committee, That there be a particular recommendation of the petitioner's case to his majesty brought in by the said committee.

July 10, 1695. The address about the slaughter of the Glenco-men to be sent to the king, read, with several of the master of Stair's letters to Sir Thomas Livingston and Colonel Hill; and after some debate upon the paragraph touching the master of Stair, it was voted, Approve the paragraph as brought in from the committee, or as offered with amendments? it carried, Approve as brought in from the committee. Thereafter the whole address was put to the vote, and approved as follows.

The Address of the Noblemen, Barons, and Boroughs in Parliament, humbly presented to his most sacred Majesty upon the Discovery communicated to them, touching the Murder of the Glenco-Men, in February, 1692.

" We, your majesty's most loyal and dutiful subjects, the noblemen, barons, and boroughs assembled in parliament, do humbly represent to your majesty, that in the beginning of this session, we thought it our duty, for the more solemn and public vin-

dication of the honour and justice of the government, to enquire into the barbarous slaughter committed in Glenco, February, 1692; which has made so much noise both in this kingdom, and your majesty's other dominions; but we being informed by your majesty's commissioner, that we were prevented in this matter by a commission under the great seal for the same purpose, we did, upon the reading of the said commission, unanimously acquiesce to your majesty's pleasure, and returned our humble acknowledgments for your royal care in granting the same: and we only desired that the discoveries to be made should be communicated to us, to the end, that we might add our zeal to your majesty's for prosecuting such discoveries, and that in so national a concern, the vindication might also be public as the reproach and scandal had been; and principally that we, for whom it was most proper, might testify to the world how clear your majesty's justice is in all this matter.

"And now your majesty's commissioner, upon our repeated instances, communicated to us a copy of the report transmitted by the commission to your majesty, with your majesty's instructions, the master of Stair's letter, the orders given by the officers, and the deposition of the witnesses relating to that report; and the same being read and compared, we could not but unanimously declare, that your majesty's instructions of the 7th and 16th of January, 1692, touching the Highlanders who had not accepted in due time the benefit of the indemnity, did contain a warrant for mercy to all without exception, who should offer to take the oath of allegiance, and come in upon mercy, though the first of January, 1692, prefixed by the proclamation of indemnity, was past; and that these instructions contain no warrant for the execution of the Glenco-men, made in February thereafter. And here we cannot but acknowledge your majesty's signal clemency upon this occasion, as well as in the whole tract of your government over us; for had your majesty, without new offers of mercy, given positive orders for the executing the law upon the Highlanders, that had already despised your repeated indemnities, they had but met with what they justly deserved.

"But it being your majesty's mind, according to your usual clemency, still to offer them mercy, and the killing of the Glenco-men being upon that account unwarrantable, as well as the manner of doing it being barbarous and inhuman, we proceeded to vote the killing of them a murder, and to enquire who had given occasion to it, and were the actors in it.

"We found in the first place that the master of Stair's letters had exceeded your majesty's instructions towards the killing and destruction of the Glenco-men; this appeared by the comparing the instructions and letters, whereof the just attested duplicates are herewith transmitted, in which letters the Glenco-men are over and again distinguished from the rest of the Highlanders, not as the fittest subject of severity, in case they continue obstinate, and made severity necessary according to the meaning of the instructions, but as men absolutely and positively ordered to be destroyed, without any further consideration than that of their not having taken the indemnity in due time; and their not having taken it is valued as a happy incident, since it afforded an opportunity to destroy them; and the destroying of them is urged with a great deal of zeal, as a thing acceptable, and of public use; and this zeal is extended, even to the giving of directions about the manner of cutting them off. From all which it is plain, that though the instructions be for mercy to assist all that will submit, though the day of indemnity was elapsed, yet the letters do exclude the Glenco-men from this mercy.

"In the next place, we examined the orders given by Sir Thomas Livingston in this matter, and were unanimously of opinion, that he had reason to give such orders for cutting off the Glenco-men, upon the supposition that they had rejected the indemnity, and without making them new offers of mercy, being a thing in itself lawful, which

your majesty might have ordered; but it appearing, that Sir Thomas was then ignorant of the peculiar circumstances of the Glenco men, he might very well understand your majesty's instructions in the restricted sense, which the master of Stair's letters had given them, or understand the master of Stair's letters to be your majesty's additional pleasure, as it is evident he did, by the orders which he gave, where any addition that is to be found in them to your majesty's instructions is given, not only in the master of Stair's sense, but in his words.

" We proceeded to examine Colonel Hill's part of the business, and were unanimous that he was clear and free of the slaughter of the Glenco men; for though your majesty's instructions and the master of Stair's letters were sent straight from London to him, as well as to Sir Thomas Livingston, yet he, knowing the peculiar circumstances of the Glenco men, shunned to execute them, and gave no orders in the matter, till such time as, knowing that his lieutenant-colonel had received orders to take with him 400 men of his garrison and regiments, he, who, to save his own honour and authority, gave a general order to Hamilton, his lieutenant-colonel, to take the 400 men, and to put to due execution the orders which others had given him.

" Lieutenant-Colonel Hamilton's part came next to be considered, and he being required to be present, and called, and not appearing, we ordered him to be denounced, and to be seized on wherever he could be found; and having considered the orders that he received, and the orders which he said before the commission he gave, and his share in the execution, we agreed, that, from what appeared, he was not clear of the murder of the Glenco men, and that there was ground to prosecute him for it.

" Major Duncason, who received orders from Hamilton, being in Flanders, as well as those to whom he gave orders, we could not see these orders, and therefore we only resolved about him, that we should address your majesty, either to cause him to be examined there in Flanders about the orders he received, and his knowledge of that affair, or to order him home to be prosecuted therefore, as your majesty shall think fit.

" In the last place, the depositions of the witnesses being clear, as to the share which Captain Campbell of Glenlyon, Captain Drummond, Lieutenant Lindsay, Ensign Lundie, and Serjeant Barber had in the execution of the Glenco men, upon whom they were quartered, we agreed, that it appeared that the said persons were the actors in the slaughter of the Glenco men under trust, and that we should address your majesty to send them home to be prosecuted for the same according to law.

" This being the state of that whole matter as it lies before us, and which, together with the report transmitted to your majesty by the commissioner, (and which we saw verified) gives full light to it; We humbly beg, that, considering that the master of Stair's excess in his letters against the Glenco men has been the original cause of this unhappy business, and hath given occasion in a great measure to so extraordinary an execution, by the warm directions he gives about doing it by way of surprise, and considering the high station and trust he is in, and that he is absent, we do therefore beg that your majesty will give such orders about him, for vindication of your government, as you in your royal wisdom shall think fit.

" And likewise considering that the actors have barbarously killed men under trust, we humbly desire your majesty would be pleased to send the actors home, and to give orders to your advocate to prosecute them according to law; there remaining nothing else to be done for the full vindication of your government of so foul and scandalous an aspersion, as it has lain under upon this occasion.

" We shall only add, that the remains of the Glenco men, who escaped the slaughter, being reduced to great poverty by the depredation and vastation that was then committed upon them, and having ever since lived peaceably under your majesty's protection, have now applied to us, that we might interceed with your majesty, that

some reparation may be made them for their losses. We do humbly lay their case before your majesty, as worthy of your royal charity and compassion, that such orders may be given for supplying them in their necessities as your majesty shall think fit.[1]

" And this the most humble address of the estates in parliament is, by their order and warrant, and in their name subscribed by,

May it please your majesty,
Your majesty's most humble, most obedient,
And most faithful subject and servant,
ANNANDALE, P. P."

July 10, 1695 This address voted and approven.

Then it was recommended to his majesty's commissioner, to transmit to the king the said address, with duplicates of the king's instructions, and of the master of Stair's letters.

Moved, That his majesty's commissioner have the thanks of the parliament for laying the discovery made of the matter of Glenco before them, and that the commissioners have the like for their careful procedure therein; which being put to the vote, Approve or not, carried in the affirmative, *nemine contradicente;* which his majesty's commissioner accepted of.

It is said that some of the persons did get a remission from King William, concerning which it is to be observed, first, that the taking of a remission is a tacit acknowledging of the crime, and taking upon them the guilt; next, that any such remission is null and void, and will not defend them, because it did not proceed upon letters of slains,[2] nor is there any assithment[3] made to the nearest of kin. It being expressly provided by the 136 Act Par. 8 Jac. 6th, that remissions are null, unless the party be assithed,[4] and 157 Act Par. 12 Jac. 6. And it is farther to be observed from that act, that albeit respites and remissions had been formerly granted for several enormous crimes, yet the defendants were ordained to be criminally pursued, notwithstanding of the same; and the said act is ratified by the 173 Act Par. 13 Jac. the 6th, against the granting of remissions and respites to the committers of murder, slaughter, and other atrocious crimes therein mentioned, where there are not sufficient letters of slains shewn, and that no respite or remission be admitted in judgment, except the same be compounded with the treasurer, and subscribed by him, at least past his register: And Act 178, it is provided, that no respite or remission be granted for slaughter, until the party skaithed[5] be first satisfied: and if any respite or remission shall happen to be granted before the party grieved be first satisfied, the same shall be null, by way of exception, or reply without any further declarator.

Thirdly, It is to be observed, that the parliament having declared, that the killing of the Glenco-men was a murder under trust, it is clear by the 51 Act Par. 11 Jac. 6, that murder and slaughter of a person under trust, credit, assurance, and power of the slayer, is treason; so that by the said act, these that had accession to, or were any ways airt and part[6] of the slaughter of the Glenco-men, are guilty of treason.

P. S. Sir, I have nothing further to add concerning this matter, but that I thought it needless to trouble you with the copies of the king's orders, the now Viscount of Stair's letters, and the depositions, because every thing in them, that is probative of the point in question, is fairly narrated in the report of the commission; but if you think them necessary, I will send them to you upon notice: But for my part, I don't think them necessary to be inserted, for repeating things needlessly does but weary the reader.

[1] The king never *thought fit* to give them a farthing.
[2] *i. e.* Witnessing that the party wronged has received satisfaction.
[3] Satisfaction.
[4] Satisfied.
[5] Damaged.
[6] Concerned in.

You know that there never was any prosecution against any of those persons charged with this barbarous murder, but that on the contrary, by the advice of some, who were then about his majesty, several of the officers were preferred, and the whole matter slurred over; so that the crying guilt of this blood must lie upon them, and not upon the nation, since the parliament could do no more in it without occasioning greater bloodshed than that they complain of.

You know likewise, that by the influence of the same persons, this report was suppressed in King William's time, though his majesty's honour required that it should have been published.

An impartial Account of some of the Transactions in Scotland, concerning the Earl of Breadalbin, Viscount and Master of Stair, Glenco-Men, Bishop of Galloway, and Mr Duncan Robertson. In a Letter from a Friend. 1695.

This is a botched vindication of the Secretary Dalrymple: the jet of the argument seems to be, that as he was a great statesman and patriot, it would be a pity to harass him about the murder of a few Highlanders. This shameless language was used by the court party at the time, for Burnet himself divides King William's exculpation into two branches, 1st, That he signed the warrant in a hurry, 2dly, That the massacre "did not at all reflect on King William's justice." The story of Mr Duncan Robertson, which is oddly intermingled with the business of Glenco, seems to refer to some civil action in which Sir James Dalrymple had been guilty of unjust partiality, or, at least, underwent such an accusation, which was, after all, *haud alienum Scævolæ studiis;* for his talents, as is not uncommon with statesmen and even lawyers, were more conspicuous than his honesty.

Sir,

Though I be none of the most curious to pry into foreign matters, yet the various reports we have had of the proceedings of, and contests betwixt, some of the members of the Scots parliament, prompted me to desire the favour of you (as a person I believe not much concerned in factions or parties) to let me know something of the matters of fact were in agitation there: As also who those persons are, and their actions have been, who occasioned such great heats concerning them, at such a juncture, when all good men ought to be cemented for the good of the public, and ought to stand by one another, as one man, to oppose the evil designs of the common enemy. For my part, I find in ordinary conversation, that both good and bad people speak generally of these matters, as they affect such men and parties, &c.

Sir, I will avouch that my steadfastness to the present government is known by good men to be such, that I cannot in justice be termed disaffected; and my interest is so little with particular parties, that I dare tell so much of the truth to the government's friends, and my own also, as is convenient: Will therefore strain my inclinations to give you a succinct account of some matters of fact; as also what I could learn concerning these men you writ of, which can give no offence: And though my obligations to great men (since the late happy Revolution) be little, yet will do them all the justice

imaginable. But before I come to answer your expectation in particulars, will take the freedom (by way of a Eustick preamble) to paraphrase a little upon some wise men's sentences. Seneca said, that the most universal vice in the world was ingratitude, because punishable by no statute law, but by public hatred, and the discourse of the schools, which is said to be the greatest punishment; yea, ingratitude sways the sceptre in most places, as well in private as in public men. Some men were ungrateful to their countries (of whom we could name several) and some countries were ungrateful to their own worthy, loving, and affectionate children: Pride, contempt, avarice, and envy, are said to be the chief reasons, and seldom all these concur without malice, and height of rigour: But I suppose that that part of a nation is either the indocile, ignorant, or vicious. Socrates suffered for doing good to his country; even whilst he was doing good to his countrymen in prison, they condemned and put him to death. Some will object, that there is some secret crime brings on a punishment, and that some men suffer for crimes they may not be guilty of; and so it's their judgment. But be it so or not, that's neither argument nor excuse for the instrument's being cruel or ungrateful, to punish by guess, without a fair trial and conscientious jury, in estate, fame, or body; for he who makes no scruple to take away a man's good name, will make none to take his life also if he can.

Philosophers as well as historians declare, that the Epicureans denied a providence, but that the Stoicks asserted it; whatever might be in that contest amongst the ancient heathens and modern pretended atheists, yet we, who assume the name of Christians, must not only own a providence, that it overrules all actions, motions, and events, exalteth one, and pulleth down another, but also createth friends and enemies, and that a society of good as well as of bad men may differ in opinion, which oftentimes occasions not only jealousies, emulations, and debates, but also strifes, contentions, threats, persecutions, war, and the death of many well and evil-designing men. Cato struggled long before the people of Rome could understand his counsels to be for their good and safety; he was affronted and contemned by them, nor did they ever consider his worth till they lost him. Scipio was dismissed, Cicero exiled, and Seneca destroyed, he by a tyrannical prince only for his goodness. Paul suffered as an evil-doer; yea, our Saviour himself was contemned, set at nought, and condemned to the shameful cross by his countrymen, out of pride and ignorance, for his kindness and goodness to them. So it's no new thing for good and bad men to be mistaken, and others to be mistaken of them. It is an ancient saying, that loyalty often suffers the punishment due to rebels, and treason receives the reward of fidelity. There may be two principal reasons for this: Ignorance and depravity of men's natures; ignorants not being judges of men fit for government, nor the governor's actions, or secrets of state, which is generally the failure or mistakes of the populace. Here you will always find *improborum duces*, who influences the blind populace *vela dare suæ fortunæ*, to accomplish their designs, though it were upon the ruins of the commonwealth. And under the second, may be comprehended all the vices of the mind, which would be too long to be named here; only this one observed by the wise, that we have the wickedness of other men always in our eyes, but cast our own over our shoulders.[1] This confirms all the proofs of the former reasons of ingratitude. Whence it comes to pass, that a peasant would be a tribune, a tribune a prætor, a prætor a consul (as the philosopher said) never minding what he had been in a little time before, but looking still forwards to what he would be.[2] I know not but Brutus thought (that when he had destroyed Cæsar) to have been Cæsar himself; but he had only in place thereof, remorse left with him, (with, *et tu mi fili Brute*) for his great expectations. Both good and great men we see are subject to envy; for some people never think themselves happy till such and such men be out

[1] *Lineæ foris talpæ domi.* [2] *Fortuna non mutat genus.*

of their way, as in the case of Haman and Mordecai; but neither they, nor the commonwealth, can well know the want of such men till they be gone, when there is no retrieving: For in what sad condition had Esther and the poor Jews been, if Haman had conquered Mordecai? And it had been better for Haman he had let Mordecai alone. Upon which considerations, it were adviseable for societies, if they be any ways split in parties, to take the wise man's advice, before they accuse or prosecute, and to consider three things: First, their strength whom they accuse. Secondly, the enterprize and merit of the cause. And, Thirdly, the person or persons they have to do withall; and that in respect of their superiors, equals, or inferiors, &c. For as no good music, so no good government or society without concord, which cannot well be without bearing of injuries. And Epicurus said, that wise men will bear with all injuries. *Ardua res hæc est*, where the public is concerned. I will therefore conclude this point with a sentence of Seneca's; when, in an epistle to his friend, he was condemning anger and choler, he adds a *but*. "But (says he) in case of exemplary and prostitute dissolution of manners, when Clodius shall be preferred, and Cicero rejected; when loyalty shall be broken on the wheel, and treason shall sit triumphant on the bench; is not this a subject to move the choler of any virtuous man?" Now, lest I should weary you too much with this simple discourse (yet know it is to my friend only,) I come to satisfy so much your curiosity as is in my power, without reflection or bias: *Nam pacis mihi cura tenendæ.*

Illud amicitiæ sanctum et venerabile nomen
Sed
Dat veniam corvis vexat censura Columbas
Hoc impedit, &c.

As for the bishop of Galloway, being first in view. In the Year 1686, the late King James having sent the Earl of Murray, his high commissioner, to Scotland, with instructions to repeal the penal laws against papists, the aforesaid bishop stood firm to the protestant religion, and though very infirm, went every day to the meetings of parliament, to give his testimony against the courses then in hand; for which there were evil designs against him, but that God removed him in great age and peace a little time after the adjourning of that parliament. He being a pious, hospitable, and generous man, left his lady (being upwards of eighty years old) but poor: His eldest daughter was married to one Mr Patrick Smith, advocate, many years before his decease. His second daughter was married to a parson; and the third was run away with, a little time before his death, by the aforesaid Mr Duncan Robertson, without the bishop's or any other friend's knowledge, the said Robertson judging her to be a great prize, the other two daughters being married, and she being then the only child in *familia.*

The aforesaid Mr Duncan Robertson was a Highland gentleman's son, bordering upon Athole and Lochquhaber, bred up something to the law at Edinburgh, became a solicitor that way, and practised that employ when he run away with and married the aforesaid bishop's daughter.

When the last Earl of Argyle was forfeited in those days, (and his children scattered here and there, and the estate being sequestered by the then public authority; and all Argyle's officers and friends in his vast dominions being laid aside) he, the said Robertson, what by money and interest he made in those days, stept into the clerkship of the sheriffship of Argyle; but upon the late happy Revolution, Argyle being restored to his estate, the said Robertson was justly excluded from the said office of clerkship, the same being heritable in the Earl of Argyle's, and his family's gift, past memory of man.

The Lord Viscount Stair, he is the representative of the ancient family of the Dalrymples of Stair, a barony in the county of Kyle in the west of Scotland; he being educated in, and endowed with all manner of learning and sciences of our horizon, was received into the faculty of advocates [1] in the year 1648, having before had (when but very young) a considerable post in the army, verifying Ovid's phrase in him, *Pace data terris ad civilia*, &c.

In the year 1650, he was made choice of by the then parliament, to be clerk or secretary to the committee of the parliament, and ministers went for King Charles II. to Holland, where he not only gave great satisfaction by his behaviour to the committee of parliament, and all concerned in the said transaction, but likewise King Charles took particular notice of him, &c.

Upon the restoration of King Charles II. he was created knight and baronet, and advanced to be one of the lords of session,[2] at which time he began to observe and write the decisions [3] of the lords of the session, and afterwards digested them, with former and after observations of his own and others, in a system or body, these being precedents, or rules to decree by (afterwards) in parallel cases.

In the year 1662, the presbyterian government being abolished, and the episcopal government established in Scotland, there was a declaration formed, abjuring the presbyterian government, all its consequences, and all the oaths formerly taken: Which declaration he not being clear to take, left the bench, travelled abroad, and coming to court after his travels, King Charles excused and restored him to his place again, dispatching a letter to the lords of the session (signifying that Sir James Dalrymple of Stair, having given him full satisfaction in relation to the said declaration) required them to receive him again to the bench, without signing the same. Thus I find it marked in the books of Sederunt [4] of the lords of session, *anno* 1664. Then it was that he began to compose a system of the civil law, intermixt with the law of Scotland, and practices and precedents of that sovereign court, which makes the law intelligible and known to all the king's subjects there who can read English.

When Sir John Gilmor (being then president [5] of the session) was called up to court to draw up the contract (or articles) of marriage between the Duke and Duchess of Monmouth, the Lord Stair was chosen *vice præses* of the session, as he was several times afterwards, when Sir John Gilmor turned infirm; and all along when the said Lord Stair was a single lord of the session, and sitting by turns on the bench in the outer house, where most of the cases and processes are heard and decreed in the first instance by a single lord, and where the judges as to their parts, judgment, justice, or injustice, are mostly known, having none other of the lords votes to interfere with their judgement, he had the greatest character of dispatch and justice of any man that ever sat upon that bench; all men being desirous to have their cases brought and tried before him.[6]

In the year 1670, he was one of the lords who went up to court about the union, designed then between England and Scotland; at which time Sir John Gilmor (the then president of the session) died, and he was advanced to be president of the session. Upon this step some envied him.

The lord president was sent for to court in March 1676, to have some differences composed, when he was offered to be chancellor, which he declined. But seeing the great men then turning into factions, and fearing the thing which came afterwards to pass, did intend to leave the bench, and to travel abroad.[7]

[1] A counsellor at law. [2] Or one of the 15 judges. [3] Cases.
[4] Journal. [5] Or lord chief justice.
[6] *Qui vindice nullo sponte sua sine lege fidem rectumque colebat.*
[7] *Beatus ille qui procul à negotiis*, &c. Horat. car. 5.—*Orig. Notes.*

In winter 1679, the Duke of York being sent to Scotland, ('twas thought, by advice of the Duke of Lauderdale for his safety) the president would not adjourn the session, to meet him upon the road towards Edinburgh, (in procession with all the lords of session) as was expected, (and as most of the nobility and gentry of Scotland did) giving for his reason in his speech, (when he, and the rest of the lords of session went in their formalities to wait upon the duke as a prince of the blood, at the king's palace of Holyrood-house, the next day after his arrival) that the session could not adjourn themselves (being a constituted sovereign court, instituted by king and parliament) without the king and parliament, which gave offence; as did also another expression in his said speech, against Popery and Bigotry; the duke then masked, and not going publickly to mass.

In the spring 1681, the Duke of Rothes, chancellor, dying, (when there was a commission given by King Charles to the Duke of York, to be his high commissioner for Scotland) 'twas mightily talked then, that the lord president would be made chancellor. But in that parliament, 1681, the designing party of the nobility and clergy flattering the Duke of York, that all would be as he wished; matters looked with a very bad aspect, the president could expect no good. Yet, as God said to the prophet, (that there were seven thousand in Israel that had not bowed their knees to Baal) there was some of the clergy, many of the nobility, and most of the gentry, who did foresee the torrent, they laid aside their private heats and emulations, joined hands to stop the current, and by plurality of votes (though some things did pass current in that parliament before that time, would have been prevented, if some men had not been lulled asleep,) they did stop more mischief.

For the president had drawn up a test for preservation of religion, liberty, and property (too long to be inserted here) made a speech in parliament to that purpose, and, though seconded by very many, was thrown out; but some of the then court party drew up another test to their purpose, which was carried the very next morning into the Articles,[1] and passed current there.

At the meeting of the parliament that morning the court test was presented and read, whereupon the Duke of Hamilton, the Earl of Argyle, Haddington, &c. the bishop of Dunkell (Bruce), the Lord Stair, president, Sir George Lockhart, Sir John Cunningham, and many others of the several states, stood up to oppose the said test, but could not do; and all they could gain by the arguments used, was to get the confession of faith (made concerning the protestant religion, mentioned in King James the Sixth's acts of parliament) inserted in their text. The inserting of which confession of faith (the intriguing party then not understanding the thing, being fond to pass their own test with any quality without examination) was the very thing made some of the bishops, nobility, and gentry, stand firm against taking away the penal laws in the parliament 1686. (They and all the members of that parliament having taken the said test.) But when the bishops and others of the then court party (after the adjournment of the parliament that evening) had met together, and considered what they had done, in voting the said whiggish confession of faith (as they called it then) and procured the royal assent thereto, went in a body to the Duke of York, and exclaimed against the Lord Stair, president, as the only man who had wheedled them in the matter, by surprise; but were told the thing could not be helped then, being it was passed the royal assent, but that the contrivers should be animadverted upon; and in some few days that parliament being adjourned, and the president in disgrace, he retired to the country, sent his son, Sir John Dalrymple, now master of Stair, to the duke, to signify, that, seeing his father was not pleasing to his royal highness, he in-

[1] The Articles was a committee of parliament then in use, made up of the eight statesmen, eight noblemen, and so many bishops, and eight burghers, and the commissioner and statesmen ruled all there.—*Orig. Note.*

tended to go to court, and give up his commission to the king his master, who gave it to him. Upon the delivery of which message, the Duke of York (being surprised)dispatched Colonel Graham (then his privy-purse) post to the king, to give an account of the lord president's behaviour, which was the occasion the president had no access to the king when he went to court; but the king desired to tell him, that he might live at home privately under his protection; upon which assurance he went to his country house in Scotland, did not live there long without an alarm, which obliged him to repair privately to Edinburgh to advise his safety; nor was he long there, when there was a warrant to seize him, upon which he went *incognito* to Holland: For certainly his fate had been the same which was the late Argyle's if he had staid at home; when in Holland there were Russians sent to seize him, but by providence made his escape to corners, diverting himself there with the conversation of the school-men and scholars of the two famous universities of Leyden and Utrecht, and then writ a system of natural philosophy. His lady was harassed, and forced to fly to Holland also. His house made a receptacle of soldiers, his heritable office taken from him, and his tenants spoiled.

The then government raised process of treason several times against him; but they could not reach his estate, by all the stretches of law were made.

In the year 1687, King James sent him a remission [1] to Holland, which he slighted, judging himself guilty of no crime deserving a remission, and being safe under the protection of the Prince of Orange and the States of Holland, rested satisfied.

In November 1688, he, the said president, came over with the Prince of Orange (now our gracious king) his majesty being pleased to communicate his resolutions to him as a man fit to give and keep council.

Sir George Lockhart being president of the session when the king came over (but being unfortunately murdered in March 1689, by a base ruffian, for pronouncing an unjust sentence against him, as he alledged, (though no such thing) my Lord Stair was re-established in the president's chair again.

In the year 1690, he is created Viscount of Stair, Lord Dalrymple and Glenluce. And though this hath been an age, where meaner men were ashamed to serve God in their families, I will add this one good quality more to him, that he (besides his private devotion) was never a day in the worst of times but he read the scripture, and prayed himself twice in his family, were there never so great or many strangers present, which might be a reflection in these days, but I hope not now; and to tell the truth, I dare give no worse character of him. As for his behaviour in matters of state, these are matters I do not meddle with, let him put his misbehaviour in public who will venture to do it, if they can; but I judge it will puzzle any to do it; and rational men will judge, that he who rules his family best at home, is the fittest to rule in public, and I pray God long may such men rule amongst us. I will not say, but the Lord Viscount Stair is envied by some people for his parts and growing greatness, but that should be no argument with rational good men, being that men's virtues ought not to be accounted their crimes. And I believe he may say in his old age, "Whose ox, or whose ass, have I taken?" [2]

The master of Stair is the foresaid Viscount's eldest son, liberally educated and bred to the law. Being on his travels in the time of the Dutch war, he and one Ramsay, son of Sir Andrew Ramsay, of Abbots-Hall, being intimate companions, happened to be at Chatham, and, as I am informed, preserved one of the king's men of war from being blown up by the Dutch, with the hazard of their own lives; for which brave action (when they were but very young) King Charles knighted them, before he knew who they were: thus I heard it.

[1] Or pardon. [2] Hic murus aheneus esto, nil conscire sibi, nulla palescere culpa.—*Orig. Note.*

In the year 1672, Sir John was admitted, after his trials, to be an advocate, which employ he followed for several years, being of the first rank.

In the year 1683, when the said viscount (his father) was forced to abscond in Holland, as is said before, the Laird of Claverhouse (afterwards Viscount Dundee) having the command of the army, which was sent to the west country to spoil and dragoon the dissenting party (not without our Scots bishops consent) did attempt to possess himself of the office of baily of the regality of the lordship of Glenluce (which did heritably belong to the said Sir John, and the Viscount of Stair his father) Sir John, now master of Stair (by creation of his father, lord, baron, and peer of the realm) did oppose the Lord Dundee, and beat him off, for which he was convened before the council, and fined in 500*l.* which he paid.

In the year 1684, the said master was seized at his own house, when his lady was just to lie in, and made prisoner, being suspected, it seems, by the then government, to have correspondence from Holland, and to have carried on intrigues against the government; and being brought to Edinburgh, was carried from the palace of Holyroodhouse (where he was examined by the ministers of state) as a trophy (it seems to disgrace him) between the common soldiers, along the public streets, to the common prison, more than half a mile's distance; was kept close prisoner there for several months, not knowing for what crime, (but as himself then said) for the original sin of the father. At last, after many petitions, he had the favour granted him by the council, to be enlarged to the castle prison, where he lay a long time till the government was ashamed they could not fix a crime upon him, and set him at liberty.

In the year 1687, there being none of the advocates (but these who were advanced to be lords of the session, for their then zeal and loyalty to the cause in hand,) fit to be the king's advocate,[1] the court hoping to gain him to their party, and to wheedle his father over from Holland, made the master king's advocate, (that being the time of the toleration) and during a whole year he continued king's advocate, there was none prosecuted to death, but one man, upon the score of nonconformity. The court perceiving the master's behaviour in that post that year, intending to take another course, by the dispensing power; and finding him not to be a fit tool for their purpose, brought in Sir George Makhenzie again to be king's advocate, and they degraded the master to be justice clerk; then they found out he was the man saved the Bishop of Ross, in *anno* 1686, by advising him to appeal from the bishops court to the parliament.

Upon the Revolution, the Earl of Perth (then chancellor, fearing the just indignation of the enraged mob) taking his flight, the said master (and some others of the privy councellors) taking care first of keeping things in some order, and distributing (so far as was then in their power) the government in the best hands, went up to wait upon the Prince of Orange, in December, 1688, concurred in making the address to the prince, for taking on the administration of the government, assisted in the convention, 1689, as a chosen member thereof; was the man chiefly (with the indefatigable pains and endeavours of the late Duke of Hamilton, chosen president of the convention) who concerted the resolution, and stated the vote of forfeiting King James, and proclaiming his majesty and the late queen, king and queen of Scotland. The Master of Stair, in conjunction with the Earl of Argyle, and Sir James Montgomery, were voted, and sent up commissioners from the three estates of Scotland, to make offer of the crown to their majesties, when our gracious king was pleased to make the master his advocate again, and Lord Melvil secretary of state, &c.

The foresaid convention being turned into a parliament (the Duke of Hamilton made

[1] Attorney-general.

lord high commissioner) some people, (who pretended great matters for religion, liberty, and property, being displeased, it seems, that they were not advanced instantly to some places of high dignity and trust in the government) recoiled: And then it was that we unhappily turned into parties, which put the subjects in a ferment, made our proceedings uneasy ever since at home, and makes the king's affairs sometimes to be retarded both here and abroad; thus, by our divisions, giving too much encouragement to the disaffected party.

In the winter, 1690, the Master of Stair was advanced to be conjunct secretary of state with the Earl of Melvil, who, upon the Revolution, was made sole secretary of state for Scotland, as aforesaid, which he did merit as (formerly) a great sufferer, and always a true commonwealth's man.

In the year 1692, Mr James Johnson was made conjunct secretary of state with the Master of Stair, and the Earl of Melvil sent to Scotland to be lord privy seal: And as to these three persons they continue in the same stations and offices still.

The Earl of Breadalban, who was formerly called Sir John Campbell of Glenorchy, an ancient family in the Highlands, a cadet of the family of Argyle, when he married the late Earl of Argyle's sister, (countess dowager of the late Earl of Caithness, who died without issue-male) he the said Sir John was created Earl of Caithness in the year 1677, or 1678, and brought several debts upon the earldom of Caithness, and made use of force to possess himself of the estate, which created him enemies; afterwards, an heir-male and of tail appearing to the deceased Earl of Caithness, he the said Sir John Campbell took a new patent to be Earl of Breadalban.

In the year 1677, by order of council, he sent a double regiment of his tenants and vassals, in conjunction with the Marquis of Athol, Earl of Perth, and several other noblemen and gentlemen, to the west country (which was then called the Highland Host) there was a commission of the council sent along with them to try the dissenters; this created the Earl of Breadalban enemies also. Upon the Revolution he stood out, but being convinced of his error as to the alteration from that of arbitrary and despotick power, to that of a mild, merciful, and peaceable government, tracing the true constitution and fundamental laws of the nation, he joined forces, and offered his service to the government, by bringing in of the Highland clans and rebels by fair means, or necessary stratagems, to make the effects answer the end.

As for the Glenco men, the truth is, *hic labor, hoc opus est*, to describe them without reflection upon my countrymen, which I would willingly avoid; but the real truth is, they were a branch of the M'Donnels (who were a brave courageous people always) seated amongst the Campbells, who (I mean Glenco men) are all papists, if they have any religion; were always counted a people given to rapine and plunder, (or sorners as we call it,) and much of a piece with your highwaymen in England.[1] Several governments designed to bring them to condign punishment, but their purses, it seems, found them out protectors, and their country was inaccessible to any small parties; and though I dare not approve of the method taken in January and February 1692 by killing them under trust, and in cold blood, yet at the same time they deserved the heavy hand of justice, in a regular and legal manner, which would have made their neighbours live in more peace and tranquillity. I do remember when I first heard then of the matter, I said to some great persons, that the best method would be to make these men prisoners, and send them abroad to be soldiers, or to the plantations, and wishes it had been so.

Now that I have given you an historical account of these persons in as brief terms as I could to make you understand the men, and the relation of matters afterwards,

1 The definition, if just, would have included the whole Highlanders of that time.

I begin again with the bishop of Galloway, Mr Robertson, and the Lord Viscount Stair's affair.

The Viscount of Stair is by his own, his author's, and predecessor's charters, heritable baily or judge of the royalty or regality of the lordship of Glenluce, within the bishoprick of Galloway, for which the bishop is obliged, and was constantly in use to pay him 20l. sterling yearly of fee (or salary) in money or value, besides the perquisites of the court, which is allowed to the deputy always.

The bishop of Galloway died, as was mentioned: The three daughters and their husbands did contend about proving the will of the deceased, the bishop's widow being poor, and detained from what effects the bishop left, by the contention and tedious unnatural law debates of her children: Mr Hugh Dalrymple (the Lord Stair's son) being factor for uplifting of his father's rents, the time of his father's exile, as abovesaid, and the viscount himself likewise after his return home, did support her with money, that she might not starve, during the law-debates; for which they took security both from herself and Mr Patrick Smith, her eldest daughter's husband, to repay them.

After long and litigious debates, the lords of the session pronounced a[1] decreet in favour of Mr Patrick Smith, being found to have the best right, and who supported the mother by his credit.

This Mr Duncan Robertson, encouraged[2] by some persons (not well inclined to the Lord Stair, to be sure) presented a petition to the parliament upon the 3d day of June last, complaining that the said viscount had pronounced an unjust sentence against him. It would be needless, and not to your purpose, to repeat all the said complaint, and the great and long debates followed thereupon, so I only give you the substance, and the most material points in the complaint; *viz.* that the president, in the debate betwixt the said Robertson and Mr Patrick Smith, should have done injustice by making up himself (or by his influence) a debate, or minutes and *interloquitor* subjoined thereto, upon the 29th of July, 1692, and signed the same privately in the vacation.

2. That after there was a decree pronounced in favour of Mr Smith against Mr Robertson (against which decree Mr Robertson gave in a bill of suspension) upon which bill the clerk of the bills refused to write a[3] *sist*, by the president's order, thereby stopping the ordinary course of the law.

3. That the president transacted, during the dependence of the plea with Mr Smith, as executor to the bishop, for a debt due by the president to the late bishop,[4] and had an[5] ease from Mr Patrick of the debt, and took allowance of 20l. sterling of baily fee, which the bishop would never have paid.

The answer made to the first was, that if Mr Robertson, or any other, could prove against the president, that he did sign any *interloquitor* or debates privately, but what was the meaning of the rest of the lords[6] *in præsentia*, as well as his own opinion, he were most unjustifiable; but nothing at all thereof was proved: On the contrary, one Smith, a witness[7] adduced by Robertson himself, deposed, that the king's advocate did dictate them, who is a man of great honour and integrity, and owned the same. The clerk also deposed the same; and Mr John Frank, Robertson's own advocate, deposed, that the point mentioned in these minutes was stated by the president, which should have been debated; Mr Robertson's advocates declined to debate, and Mr Patrick Smith craving a decreet, and that the same was pronounced in Mr Frank's own hearing and others, so not done privately. Two of the lords of session, Halcraig

[1] A decree. [2] *Sic stetit sententia.*
[3] A *sist* is a stop of execution of a decree by a judge for a certain limited time.
[4] Lord Stair paid tithes to the bishop. [5] An abatement.
[6] In presence of, and by the unanimous consent of all the lords. [7] Produced.—*Orig. Notes.*

and Crosrig, deposed to the same purpose; and one of these lords doth exactly remember, that before the cause was called, the lords resolved, that the parties should debate the very points mentioned in the minutes, which was stated truly by the president, as all the lords resolved. And it is further cleared (the aforesaid *interloquitor* being *res gestæ*, known to, and authorized by all the lords) by a subsequent decreet of suspension which followed thereupon the first of February, 1693.

It was answered to the second, that the clerk of the bills, James Nicolson, did refuse to receive or write upon the bill of suspension, because Mr Robertson was litigious, and after two decreets *in foro*, he offered a third bill, and Mr Patrick Smith having found caution or surety to relieve Mr Duncan Robertson and his wife of any process might be intended against them, as executors to the bishop (which was the pretence or reasons of his last bill of suspension) and all the lords rejected the bill, and discharged the clerk of the bills to receive any other bill of suspension from Mr Robertson, except upon obedience, he having refused to debate before; which deliverance was shewn and duly intimated to the clerk of the bills, which is his warrant: And that the president never spoke directly nor indirectly to him about the same. The Lord Aberuchil, also ordinary, deposed, that the clerk did refuse to write a *sist* by reason of the said deliverance of the lords *in præsentia*.

It was answered to the third, that, as was said before, Mr Hugh Dalrymple, by his father's orders (when in exile) and the president himself when he came home, advanced money to the bishop's poor widow, to save her from starving, during the dependency of the plea, for which they took bond, to be repaid as aforesaid, which was a security to them *in omnem eventum*, without any dependence upon the event of that plea of law: For though Mr Robertson's title had been just, and sustained by the lords, the president's security was good beyond exception.

1. Because the widow was provided to a considerable[1] life-rent by her husband, which was a debt undeniably preferable to the interest of either party, Smith or Robertson; and the advancement to her being less than her provision, the president could have no bias that way; besides that Mr Patrick Smith also had an unquestionable interest in the dead's part, and the *legitim*, and had acquired the interest of a third sister, as Mr Robertson's own bill to the parliament doth acknowledge. So there was no hazard to, or injustice in the president, though he had advanced more to Mr Patrick, or the widow, which he never did, and made no other transaction, but as aforesaid.

And as to the other member of that allegation, that the president got an ease from Mr Patrick Smith of the debt due by him to the bishop,

It was answered, That it was a very false allegation: For by the discharge granted to the president, it will appear, that the several and particular sums paid, are instructed either to be paid by the president himself, or Mr Hugh Dalrymple in his absence; that the president had no advantage by it, nor was the president concerned what Mr Duncan's claim was against the bishop, or his executors, seeing the president was not obliged to pay any more to the bishop, or any claiming right to his estate, but what was truly due, and to them who had the best right.

As to that, That the president should have taken an allowance of 20*l.* sterling to himself yearly of baily-fee, the president owns he did take the same, and instructs his right by an original charter, *anno* 1560. And by another charter under the great seal, *anno* 1618, both charters bearing an heritable office of bailiary, and a fee of three chalders of meal out of the first and readiest of the fruits and emoluments of the lordship of Glenluce, which three chalders of the measure of Wigton (which is the measure of that country) will be four chalders and a half of Linlithgow measure, and which

[1] Or annuity.

would be worth more than 30*l.* sterling yearly; yet the president being only in use to receive an allowance of 20*l.* sterling, he exacted no more. And as the said president's right was instructed by his charters, so the use of payment appeared by two several agreements, one with Bishop Hamilton, *anno* 1666, who preceded Bishop Aitkin, and another, *anno* 1688, with Bishop Gordon, who succeeded him, both stating the baily-fee at 20*l.* sterling yearly. After debating of these points before the parliament, it was moved, That the affair should be committed to a committee chosen for that particular case, but it was carried by plurality of voices, That it should be committed to the committee of safety, who were appointed to give their report thereof in open parliament upon the tenth day of the said month of June. And the committee having accordingly examined many witnesses upon the most material articles of the complaint, viz. The alledged injustice of the sentence, nothing was proved, as I can see, against the Viscount of Stair by Robertson; on the contrary, it was proved by the depositions of the lords of session, Mr Robertson's own advocate, and several other evidences, as abovesaid, that the president's transactions were fair, and the sentence just; so that Mr Robertson did not think it advisable to insist upon the other articles of the complaint. Upon the tenth of June it was moved, I hear, in behalf of the lord president, That the parliament would call for the report of the committee, and either declare the president guilty, or, if nothing of the complaint should be proved against him, that they would acquit the lord president, and appoint a suitable punishment upon the libeller for so impudent a calumny; but the motion was not favoured, there being matters of greater importance in hand. However, the president's friends say, they are glad that (even now in his lordship's absence) there are no greater matters of complaint or accusation found against him through the whole course of his life, being sufficiently vindicated of his accusation by these and other grounds represented, judging there is enough known (and will be justified by all good unbiassed men) of his long service in the public, integrity of life, firmness of principles, his and his family's sufferings in dubious and dangerous times, and dutiful adherence to his majesty's interest, before and since the late happy Revolution: And that they do confidently hope that his majesty's high commissioner, and the honourable estates of parliament, will some time or other find the justice of the nation interested to see the laws and acts of parliament for securing, maintaining, and defending the honour and reputation of judges (who do represent his majesty's person and his authority) fully and effectually executed by the exemplary punishment of the malicious libeller, so as judges in all time coming may be fenced and secured from such bold and insolent attempts. And upon the whole matter, the president's friends say further, that he lost 100*l.* sterling by these transactions concerning the bishop's affair, which he never expects again; so that, according to the wise man's saying, As it is a hard matter to be both popular and just, so to strike and not wound, is anger lost, for he is invulnerable, and not hurt who is struck.

As for the matter of the indictment against the Earl of Breadalban, in so far as I can learn, the matter is thus: That the earl, *anno* 1691, promised to the king to reclaim the Highland rebels, which way he did it is in public now; but Mac Donnel of Glengary (who is the most sensible and of greatest probity amongst them) came in, and deposed before the parliament, That the earl did, by articles agreed upon betwixt him and them, engage, that if King William could not condescend to such and such articles, he, the said earl, should with all his friends and followers, join the Highland army. The said deposition being read, it was moved that the king's advocate should be ordered to commence a process of high treason against his lordship, and that he in the mean time should be committed prisoner to the castle of Edinburgh. And 'twas pleaded for the earl, that he might have time to deliberate his answer before impeachment, this being a surprise to him, and doubted not but he would make it appear to the parliament there was no ground for the impeachment.

It was further pleaded by the earl, That Glengary, not being summoned by a judge to come in as a witness against him, and especially considering that he was a Roman catholic, had been in rebellion against the king, and never knew he had submitted to the government, unless done privately at this time, and carrying an inveterate enmity to the earl's family, he hoped the parliament would not found a process of high treason against him upon his deposition. These arguments did not prevail.

It was further pleaded by the earl, That he had an ample commission from the king to do in that affair all that he should think fit for effectuating his design: That as well his majesty as all the world knew that in such negociations there must be allowances for men commissioned to go, or at least pretended to go, great lengths, and to yield to such condescendencies as they find most taking for acccomplishing the design. That the effect and consequence had justified the methods he had taken. That not only they there sitting, and their constituents at home, who suffered most in that unnatural and cruel war, but also the kingdom of England (who for its own safety was obliged to maintain some regiments here in Scotland) yea, and all the confederacy had reaped advantage by his conduct in that treaty, many troops and much money being now employed against the common enemy abroad, which that troublesome war had exhausted for several years here at home. That seeing the thing itself was good and advantageous for the nation, he wondered persons should take exception against the particular methods which in prudence he was obliged to take in carrying it on; however, that he had made it known to their majesties, whatever he had said or done in that affair, and had their approbation since.

It was alledged that things now libelled were not then known. It was answered, that upon a complaint given against the earl for these very things he is now accused of, his majesty recommended to the privy-council here to make enquiry into the matter, which was done accordingly, and transmitted to the king; that the minutes of council would clearly shew the same, and desired that the minutes might be called for, but the parliament did not think fit to call for them. The Earl of Melvil, then secretary of state, and now lord privy-seal, 'tis said, rose up, and avouched the truth of what had been said, and asserted, that the precognition taken by the council, was upon a complaint (if not in the same words, yet at least to same purpose) with what was contained in Glengary's depositions, was sent by the council to him, as secretary of state then; that he shewed it to the queen (the king being then in Flanders) who kept it a whole night by her; that the next day he transmitted it to the king, who (he knew by the returns he got from Flanders) received and perused it. The Duke of Queensberry did declare likewise, that it consisted with his knowledge that his majesty received the same, he being then in Flanders with the king, and heard his majesty's discourse of the matter very often.

Upon this some person moved, That seeing his majesty had taken the earl's behaviour to his own consideration, and had been informed of all the methods of his proceedings in the matter, and had shewn a satisfaction with the earl's conduct, by preferring him at that time to several places of honour and trust, the parliament would please not to proceed in an affair of such importance against one of his majesty's ministers of state, until he was first acquainted with it. But this being refused, it was desired in behalf of the earl, they would delay proceedings at least until the next meeting; but it was voted and carried, that the king's advocate proceeded immediately against him; and an order of parliament was signed for committing him to the castle, where his lordship was carried immediately after the rising of the parliament. The lord advocate sent him a copy of his indictment, and he was ordered to give in his answer thereto by the first of July instant. Upon the first instant the earl desired an exculpation, which was granted to him. Upon adjourning of the parliament to the seventh of November next, the prosecution of the earl is delayed till that time.

As for the matter of the Glenco men, which made so much ado, we are something in the dark as yet, nor will I meddle to speak, much less to write, of any point the parliament have voted, only the historical part of that matter is this:

That when the Earl of Breadalban did undertake to cause the Highlanders to lay down their arms, give over hostility, and to give passive obedience to the present government, by taking of the oaths (which was very well done, whoever did it) before they laid down their arms, there were two or three indemnities issued forth by his majesty, encouraging them to come in; and they did come all in by the prefixed diet [1] in the last indemnity, except the Glenco men, who it seems, finding themselves without help or support by the other chieftains and clans coming in, old Mac Kean of Glenco himself only (as I am informed, as *ad aram ultimam*) went to, and prevailed with Campbell of Ardkinglass, sheriff-deputy of Argyleshire (a very worthy honest gentleman, and formerly a great sufferer) six days after the diet was elapsed, who received him, and Mac Kean took the oaths; though at the same time it was, and is still the opinion of many good men, that to confide in these men, or to bring them to conformity to the government, were Penelope's *telam texere*.

Nor did the taking of the oaths after the diet prefixt was elapsed, save or protect them or him from the lash of the law (not having come in in the terms of the law) the mercy tendered in the indemnity being conditional, in case they came in, and submitted before, or upon such a day: but was a ground for mercy and mollification of the rigour of the law, supposing him or them to have taken the oaths *bono animo*, and upon true repentance. I do not hear the rest of his followers came in, and took the oaths, judging, it's like, he and they were safe by his only taking of the oaths, though *post meridiem diei*. The court (it seems) not knowing of these transactions at a great distance of four or five hundred miles (and being informed by all hands that they were nests of thieves and robbers) his majesty, after refusal of many offered mercies, sent to treat them as enemies and rebels: Yet at the same time his majesty, by his instructions, as I am informed, left room for mercy to them, according to discretion, and circumstances of time and affairs, which is all could be expected in reason from his majesty.

The Master of Stair, Secretary of State, writ letters, it seems, likewise at the same time to the government, or officers of the army there, much to the same purpose, but (it's said) in severer terms, and exceeding his majesty's instructions, to treat them like the men they were represented. What may be in this we know not, not having seen the master's letters; but many wish that they and all the instructions relating to that matter of the Glenco men, had been printed, to undeceive the generality of good men, who speak as they affect, but could make no true judgment of the matter, as it then stood, only this, that the parliament has been very zealous to discover at whose door the fault, in killing the Glenco men, lies. That they were killed in cold blood, and under trust,[2] judging themselves secure and safe (with their thirteen days guests or lodgers) is undeniable. But in fine, the parliament, as you have it in publick, finds that his majesty's orders and instructions had mercy *in græmio*, so that it cannot lodge there, and God forbid it should. They have likewise voted Sir Thomas Livingston commander in chief of his majesty's forces in Scotland (who sent the orders to Colonel Hill, governor of Fort William, and Hamilton, his lieutenant-colonel) clear of it, as also Colonel Hill, have summoned Lieutenant-Colonel Hamilton to appear before them, to answer concerning the said matter; and upon further scrutiny, where the said murder will fix, I know not (*grammatici certant, et adhuc sub judice lis est*) for the common soldiers will readily say, that they obeyed but their superior officer's command;

[1] *Diet* signifies the day appointed in the indemnity to come in by.
[2] *Faber est quisque fortunæ suæ.—Orig. Notes.*

and the master of Stair's friends here say, that they desire the master's letters to be printed, that the world may judge of them; and if he be judged to have exceeded bounds, or his majesty's instructions, it was his zeal for the government, but never intended at the same time that these men should be killed in cold blood; and that he did not at all know that any of the Glenco men had taken the oaths, (either before or after the diet) when he writ these letters, being at court four or five hundred miles distant, as is said; so it's wished the men, who had the trust of the execution of the matter upon the spot, had acquainted the court, or our government, of these unhappy men's then circumstances, before they went so far on, in which case I doubt whether any of them had been killed or murdered, and consequently no reflection had been upon any part of the government, or any ever mentioned in the affair. It's an old saying, That the counsels of wise men are certain, but events uncertain.

As for my own part, I know nothing of it, but God in heaven, and the master of Stair himself knoweth best if he be guilty of a designed murder of these men, or any others: Nor will I argue about any point, such a wise, loyal parliament have voted or found. But this I may say, that I do not understand where the master of Stair's interest lay to destroy the Glenco men; for if he be any ways suspected to be a Jacobite, it was not his interest upon that score to destroy them by any means, of all men in Scotland, their religion and blind zeal bending them then altogether that way, whatever new light these who are living of them have found of late, and if he be thought to be a church of England man, though that be against our present constitution, yet no man in his right wits will call it a crime. These men were not presbyterians, to be destroyed upon that score; nor do I think any man would be so mad as to bribe him to kill them by authority, without the hand of justice going along with it. Some good-natured people may say, out of good-will to the master, that they were idle men, robbers, thieves, *et telluris inutile pondus;* granting all that, yet a statesman's interest was, to make their young men soldiers, or to send them to the plantations, which had been to good purpose. But a man of his trust, capacity, and reason, to be accessory to their destruction in cold blood, is unaccountable, if he were really guilty; and being the honourable parliament has found that slaughter a murder, (as no doubt it was) in the manner it was done, and that the master exceeded his majesty's instructions, it were a very pertinent question to ask, What under God's heavens was the master's bias or interest in the matter? I can imagine none. There was an information printed and dispersed (as you heard formerly) by Commissary Dalrymple (hearing that his brother, the master of Stair, and his letters were made mention of in the commission appointed for examining the Glenco business) in vindication of his brother's behaviour and conduct, as secretary of state, in the said affair; representing, that if people did construct some paragraphs, sentences, or periods, of his brother's letters so and so, without connection of other sentences, &c. without hearing (in his own absence) they did not know what to say of it. But if one sentence, &c. were connected with others, the whole would not bear the commentaries the people might put upon them *separatim,*[1] and several other arguments to this purpose. The dispersion of which informations, after the commission's sentiment (and they being ready to report their opinion in open parliament) gave offence to the parliament. He said, his printing and dispersing of them, was before the vote of parliament, and said, he intended to give no offence, meantime he was reprimanded, and was obliged to beg pardon.

The parliament, since summoning of Lieutenant-Colonel Hamilton, have declared him fugitive, for not appearing; he is gone since into Flanders, as we hear, to wait

[1] It is a saying of the great Seneca, "That the best way to help every thing is by a fair interpretation, and where there is a doubt, is to allow it the most favourable construction."—*Orig. Note.*

upon his majesty. The parliament have likewise made an address to the king, to send persons home, who may be found guilty, to be prosecuted for the said murder, or not, as his majesty thinks fit.

Sir, this parliament have done great things for his majesty's service, and safety of the publick: For though there might have been some misunderstandings between some of the members, yet all concurred unanimously to serve the king and the country. You know what was said concerning the nation and commonwealth of the Romans:

Tantæ molis erat, Romanam condere gentem.

For great matters take up much time to effectuate the ends proposed; so as we have had good beginnings, good proceedings, hopes all our matters will end well; for though the almost desperate and uneasy Jacobites (who but fish in muddy waters) should vaunt upon the occasion of some accidents, (as to see some honest, well-meaning men differ only in points of opinion,) they being a people soon elevated to castles of the air, and soon cast down to the dust, yet all the bustle they make comes to nothing at last, but exposes themselves the more to folly. And I am very apt to believe, that all our seeming differences would vanish upon the sight of our most gracious king's presence, upon his throne in our parliament; so will conclude with a great moralist's saying, or to this purpose, That by the two blessings of reason and union, we might secure and defend ourselves against the violence of fortune; sense and reason we have enough, and what is wanting of the latter, the defeat of Lewis Le Grand, and our most gracious king's (I mean King William's) presence once here in our parliament, would, I am certain, effectuate. I long to see his majesty here. *Vale, et bene valeat et vivat Rex noster Gulielmus.*

A true Account of the Preservation of the Regalia of Scotland, viz. Crown, Sword, and Sceptre, from falling into the Hands of the English Usurpers, by Sir George Ogilvie of Barras, Knight and Baronet; with the Blazon of that Family.

Edinburgh, Printed in the Year 1701.

This is a curious and authentic narrative. The distribution of rewards among those who saved the regalia of Scotland was curious. The Honourable John Keith, who had no further concern in the matter, than being son of the Earl Marischal, to whom Dunnotar Castle belonged, had a pension and earldom. Sir George Ogilvie, by whom the castle was really defended, was made a baronet; and the loyal minister of Kinneff and his wife, whose bones were dislocated by the torture, and who actually concealed the regalia, are generally said to have got nothing at all. The tract, however, mentions some *pecunial* reward.

The Atchievement of Sir George Ogilvie of Barras, Knight and Baronet, some time Governor of the Castle of Dunnottor, and Preserver of the Regalia.

A regent, a lion passant, guardant, gules, crowned with an imperial crown, holding in his dexter paw, in pale, a sword, hilted and pomelled or, in the dexter chief point a thistle proper, ensigned with a crown of the last, and in the sinister the badge of Nova Scotia, as a knight baronet; which shield is timbered with helmet and chachements befitting his degree, on a wreath of his tinctures, for crest a demi-man armed at all points, pointing forth his right-hand towards the motto on the escrol, *Præclarum Regi et Regno Servitium;* which blazon is thus matriculate 27th of December, 1673.

This family carries the lion passant, guardant, for the paternal coat of Ogilvie, the sword, crown, and thistle, as additional figures of honour granted to him by authority, for special and eminent service done to his king and country, in preserving the honours of Scotland from falling into the hands of the English (intimate by his motto, *Præclarum Regi et Regno Servitium*) as is evident from the following account instructed by principal papers and evidents. For 'tis more satisfactory to man to know the truth of things as they really were designed and acted from the testimony of original papers and documents, than from the allegations and bare assertions of pretenders, without proof or instruction.

When the rebels in Britain under Oliver Cromwell the usurper, had triumphed over the best of men and justest of kings, Charles the First, and those that persisted in their loyalty to him in these lamentable times of confusion, the regalia or honours of Scotland were delivered to the custody of the Earl Marischal, and were lodged in the strong castle of Dunnottor, within the shire of Mearns, as a place of greatest security and distance from the enemy.

The said earl being obliged to be in the fields to defend his king and country against the usurper, he made choice of George Ogilvie of Barras, as the fittest man for his valour, prudence, and loyalty, to entrust the keeping of the said castle of Dunnottor, with the honours, viz. the crown, sceptre, and sword, and other monuments of the kingdom therein, makes him his lieutenant, and gives him the commission following:

"Forasmuch as the king's majesty and committee of estates have entrusted the care and keeping of the house and castle of Dunnottor to us William Earl Marischal, and have allowed forty men, a lieutenant, and two serjeants, to be entertained within it upon the public charge: Therefore we do hereby nominate George Ogilvie of Barras to be our lieutenant for keeping of the said house and castle, and give unto him the sole and full power of the command thereof, and of the men that are to be entertained therein, for keeping thereof under us, with power to him to bruick, enjoy, and keep the said place, with all fees, dues, and allowances belonging thereto, as fully, in all respects, as any other lieutenant in such a case may do. In witness whereof, we have subscribed these presents at Stirling, the eighth day of July, 1651.

Sic subscribitur, MARISCHAL."

Archibald Primrose, witness.
William Keith, witness.
Alexander Lindsay, witness.

The Earl Marischal, having entrusted, as is said, the government of the said castle, and the honours therein, to George Ogilvie, he accompanies the king to England, and

after the battle of Worcester, was taken by the English, and carried to London, where he was detained prisoner in the Tower for a long time.

George Ogilvie of Barras being sole keeper of the honours, and governor of the said castle, which he found not sufficiently provided with men, ammunition, and other provisions, to hold out against a long siege, as the king had ordered, acquaints John Campbell Earl of Loudon, then chancellor, who returned him the following answer:

SIR,

Your letter of the last of October came to my hands the 9th of November instant, and the parliament being appointed to meet here upon the 12th day, I staid the bearer, in expectation that I might return you the parliament's answer and orders; but the parliament not having met, and there being no meeting of the committee of estates, I can give you no positive advice nor order: But I conceive that the trust committed to you, and the safe custody of these things under your charge, did require that provisions, a competent number of honest stout soldiers, and other necessaries, should have been provided and put in the castle, before you had been in any hazard; and if you be in a good condition, or that you can supply yourself with all necessaries, and that the place be tenable against all attempts of the enemy, I doubt not but you will hold out: But if you want provisions, soldiers, and ammunition, and cannot hold out against all the assaults of the enemy, which is feared you cannot do, if hard put to it, I know no better expedient than that the honours be speedily and safely transported to some remote and strong castle in the Highlands; and I wish you had delivered them to the Lord Balcarras, as was desired by the committee of estates, nor do I know any better way for the preservation of these things, and your exoneration. And it will be an irreparable loss and shame, if these things shall be taken by the enemy, and very dishonourable for yourself. I have here retained your letter to the Lord Balcarras, hearing he is still in the north, and not to come to this country. I have written to Sir John Smith, to furnish you the remainder of the victuals you wrote he should have given you: If he be in the north you will send it to him, and if he be gone home to Edinburgh, I cannot help it. So having given you the best advice I can at present, I trust you will, with all care and faithfulness, be answerable according to the trust committed to you, and I shall continue your assured and real friend,

Sic subscribitur, LOUDON, Cancel.

Dated at Finlarge, 13th November.

Directed thus: "For my much respected Friend,
George Ogilvie, Governor of Dunnottor."

The governor, George Ogilvie, being disappointed of sufficient force and provisions to hold out a long siege, and observing the advances the English made daily in reducing the nation, was exceedingly perplexed, how to prevent the enemies getting the honours of this kingdom in their hands, he advises with his wife (a lady of great prudence and undaunted courage) she therefore forms a very happy contrivance, that she should convey the honours privately out of the castle, and secure them without her husband's knowledge, that when he should be put to it, and tortured by the enemy, he might freely declare he knew not where they were. In order thereto, this lady sends for Mr James Granger, minister of Kinneff, his wife, in whom she had great confidence, and imparts to her the design; she promising to be faithful, they privately carried the honours out of the said castle to Mr James Granger the minister (the other trustee) and put them under ground within the church of Kinneff; and the manner how the honours were transported from the castle thither, was on a servant woman's back, in a sack amongst hards of lint.

George Ogilvie, the governor, not being able to hold out the castle against so powerful an enemy, that then besieged him so close, and expecting no relief, and all other forts and castles in the kingdom being in the enemy's possession, enters into capitulation with Colonel Thomas Morgan, and surrenders on honourable terms, the garrison being permitted to march out of the said castle with drums beating and colours flying, which were carried by the present Sir William Ogilvie of Barras, son to the said Captain George (who was the last person who carried colours at that time in Scotland for the king) and one of the aricles of capitulation being to deliver up the honours (for the English were certainly informed they were in the castle) or give a rational account of them: These are the very words of capitulation, which the present Sir William (the said Captain George his son) hath in his custody.

After the surrender, the English demanded the honours, or an account of them. The governor declared, he knew not where they were, for his wife had privately taken them away without acquainting him; upon which he was put into close prison in the said castle; his lady being examined and threatened with torture, she boldly affirmed, by way of evasion for her own safety, that she had delivered the honours to John Keith, now Earl of Kintore, who carried them abroad to the king. But the English distrusting her, put her in close prison also, and sent out a party to the house of Barras, to apprehend the said Sir William Ogilvie, their only son and child, that they might torture him in sight of his parents, to extort a confession from them; but he by providence made a timely escape, and underwent much toil and fatigue, by travelling night and day, till he came to his friends in Angus, where he remained *incognito*.

After the said Captain George and his lady had been close prisoners for a year, in which time they suffered much inhuman usage, by the cruelty of the English, who caused a centinel to stand at the prison door, and another at the prisoners bed-side, that they should not commune about the honours: And after all, the said Captain George and his lady adhering to their former declarations, that the honours were carried abroad by the now Earl of Kintore, had such an appearance of truth, that upon mediation of friends, Major-General Dean was prevailed upon to grant them liberty to go to their own house of Barras, upon such conditions as here follows, conform to the principal warrant.

"Whereas in the capitulation made upon the surrender of the castle of Dunnottor, between Colonel Thomas Morgan and Captain George Ogilvie the then governor, it was among other things agreed, that the said Captain George Ogilvie should deliver up the crown, sword, and sceptre, of the late King of Scots, which were in his custody, or give a good account thereof: And forasmuch as I have caused the said Captain Ogilvie ever since that time to be retained a prisoner in the said castle, for not delivering the said crown, sword, and sceptre, or giving a good account thereof: Now in regard he makes divers pretences that the said crown, sword, and sceptre were taken away out of Dunnottor without his knowledge; and, lastly, that his wife conveyed the same to a gentleman that carried them to foreign parts; I am willing that in case he shall procure good security of 2000 or 1500*l.* sterling, that he shall render himself a true prisoner to you upon demand, as also that his wife shall do the like, he shall have his liberty out of the castle unto his own house, being seated within four miles of the same, providing he do not at all go from the house above three miles; and I do hereby authorise you to receive such bond of him as said is, for his and his wife's forthcoming, and thereupon to give him the liberty abovementioned, for which this shall be your warrant. Dated the third of December, 1652. *Sic subscribitur*,

RI. DEAN."

Direct to Captain John Garnor, the present Governor of Dunnottor.

Upon this warrant, Captain George and his lady were set at liberty, and Sir Robert Grahame of Morphie became cautioner for them, as by the following bond:

"Whereas the right honourable Major General Richard Dean hath issued an order unto Captain John Garnor, now governor of Dunnottor, that he grants liberty to Captain George Ogilvie, together with his wife (they being both prisoners in the said garrison) to repair to their dwelling house, providing they give sufficient security that they depart not above three miles from Barras, being their habitation, and that they or either of them act nothing that is, or may be, prejudicial to the parliament of the commonwealth of England; and likewise on advertisement or warning given, they present themselves true prisoners at Dunnottor castle, to the governor thereof, or his depute; and that the said Captain Ogilvie and his wife shall perform the abovesaid articles, I whose name is underwritten, do bind myself, my heirs, executors, and administrators, under the penalty and forfaulture of 2000*l.* of lawful current English money, in case of failzying to present, enter again, and make forthcoming the said prisoners, when the governor shall send for them: In witness thereof, I have hereunto put my hand and seal the 10th of January, 1652. *Sic subscribitur*,

Sir Robert Grahame of Morphie.

Testes, Rich. Hugkes, John Turner."

Some time after this, the said Captain George and his lady were necessitate and enforced, by the rigidity and strictness of the English, to find security of new, as the following bond doth evince:

"Whereas, upon solicitation for Capt. George Ogilvie and his wife's further enlargement, the honourable Colonel Lisburn, commander in chief of all the forces in Scotland, hath ordered Captain Garnor of Dunnottor castle, upon security given, to give them six weeks time to go about their lawful affairs; I do therefore engage myself, my heirs, executors, administrators, assigns, in the sum of five hundred pounds of good and lawful English money, for their personal appearance into the former obligation of confinement, six weeks after the date hereof. In witness hereof, I have put my hand and seal the 1st of February, 1653. *Sic subscribitur*,

James Anderson.

Attested by John Barkley, Richard Hugkes."

Under this restraint Captain Ogilvie's lady died, and he remained therein till the restoration of King Charles II. and all that time he had a special care of the honours, by sending monthly clean linen to Mr James Granger the minister, and his wife, with instructions to take out of the ground and wrap them in the same, lest they should be spoiled or tarnished, which the minister of Kinneff and his wife punctually observed, and were faithful in their secrecy, till the king's restoration (for which they got a pecunial reward) and then delivered them to the said Captain George, who, according to the king's order, did deliver them to the Earl Marischal in as good condition as he at first received them, as is evident by the following receipt, which will demonstratively and undeniably prove, that the aforesaid Captain George and his lady were the principal keepers and preservers of the honours of Scotland (whatever others pretend) and the only sufferers therefore; which honourable piece of service, so faithfully performed, should never be forgot by king or country, in saving the honours, which prevented both the disgrace of the kingdom, and the irreparable loss of our ancient regalia.

But notwithstanding of this noble and good service done by the said Captain George and his lady, yet at King Charles the Second's restoration, the then old countess marischal wrote to his majesty, that her son John Keith, now Earl of Kintore (who was then abroad upon his travels, and knew nothing of the matter) had preserved the honours, being that the said Captain George had unwarily imparted to the said countess

where they were hid, and how that by the contrivance of his wife, in affirming that she had delivered them to the said John Keith, they had saved themselves, and concealed the honours from the English; and his majesty knowing nothing of Captain George Ogilvie and his lady's special service in preserving of the honours (in respect they did not timely apply) did, upon the said countess her misrepresentation, create her said son first Knight-Marischal of Scotland, and then Earl of Kintore, and ordered him a pension of 400*l.* sterling a year, which he enjoyed all King Charles the Second's life-time, and is as yet continued to him with the said place and dignity, for his pretended preservation of the honours.

Captain George Ogilvie, then in the mean time in Scotland, being informed that the aforesaid countess and others had misrepresented to his majesty his faithful service in preserving of the honours, by which he was like to lose the honour and merit of so noble and eminent an action, performed with the hazard of his own and his lady's life, with the ruin of his fortune, he sends to London his son, the said Sir William Ogilvie of Barras, to give a true relation of the preservation of the honours, who addresses his majesty with the following petition.

To the King's most excellent Majesty.

The humble Petition of William Ogilvie, Son to George Ogilvie of Barras.

Sheweth,

That whereas your petitioner is sent up here by his father, to give your majesty notice, that his said father hath had, and still preserves the crown, sceptre, and sword of Scotland in his custody, long before the English possessed the castle of Dunnottor, with the great hazard of his life, and long and streight imprisonment, which occasioned the death of his wife. And in respect of your petitioner's father his great interest with these honours, he could not desert that great charge, to come here and attend your majesty himself.

Wherefore he hath sent your petitioner to have your majesty's particular order, in relation to the aforesaid honours.

The Answer to the Petition was as follows:

Whitehall, 28th September, 1660.

His majesty ordains the petitioner's father to deliver his crown, sceptre, and sword to the Earl Marischal of Scotland, and to get his receipt of them.

Sic subscribitur, LAUDERDALE.

This order was by the then Earl of Lauderdale's advice, who said, if John Keith had kept the honours, then the said George Ogilvie was not able to deliver them; but if the said George had the keeping of them, it would evidently and undeniably appear who was the true preserver.

At this time the then old countess marischal being informed that the honours were hid in the church of Kinneff, she endeavours, by all means, to persuade Mr James Granger the minister to deliver them to her; but Captain George getting a surmise thereof, goes to the said church, and takes out the sceptre, and carries it to his house of Barras, and takes also an obligement from the said minister to make the rest of the honours forthcoming to him, as appears by his obligement, whereof the tenor follows:

"Whereas I have received a discharge from George Ogilvie of Barras, of the honours of this kingdom, and he hath got no more but the sceptre; therefore I oblige myself that the rest, viz. the crown and sword, shall be forthcoming at demand, by this my

ticket, written and subscribed this same day I received the discharge, 28th September, 1660. *Sic subscribitur,* M. J. GRANGER."

Within few days thereafter, Captain George gets the king's order to deliver up to the earl marischal the crown, sceptre, and sword, which readily he obeys, and gets the earl's following receipt, all written with his own hand:

"At Dunnottor the 8th day of October, 1660, I, William Earl Marischal, grants me to have received from George Ogilvie of Barras, the crown, sword, and sceptre, the ancient monuments of this kingdom, entire and compleat, in the same condition they were entrusted by me to him, and discharges the aforesaid George Ogilvie of his receipt thereof, by this my subscription, day and place aforesaid.
Sic subscribitur, MARISCHAL."

Captain George Ogilvie not only preserved, by his prudence, fidelity, and diligent care, the honours as said is, but also considerable writs and monuments entrusted to him when Governor of Dunnottor, (the way and manner too tedious to insert) such as the king's papers. The receipt whereof follows:

"We William Earl Marischal grant us to have received from George Ogilvie, some time governor of our castle of Dunnottor, some papers belonging to the king's majesty, which was in Dunnottor, the time of his being governor there, in two little coffers, which papers consisting to the number of eight score sixteen several pieces, whereof there are four packets sealed, and one broke open, of which papers I grant the receipt, and obliges me to warrant the said George at his majesty's hands, and all others whatsomever, by this my warrant. Signed, sealed, and subscribed at London, the first of December, 1655. *Sic subscribitur,* MARISCHAL."

The said Captain George also preserved the registers and papers of the kirk of Scotland, which is evident by a receipt thereof, granted to him by the Lord Balcarras, by order of a commission from the kirk; also the monuments and charters of the university of St Andrews, which he delivered to Robert Zull, upon the order of Robert Honnymen, clerk to the university, and got his receipt thereof. And sicklike, the principal papers and charters belonging to the family of Hamilton, which he delivered to James Hamilton, then servant to the present Duchess Dowager of Hamilton, and got his receipt thereof, written on the end of my lady duchess her letter, brought by him to the said Captain George. All which principal receipts and documents are registrat, for preservation, in the books of council and session, being the general register of this kingdom.

Captain George Ogilvie having faithfully exonered himself of the aforesaid trusts, takes journey for London, to wait upon the king, by whom he was kindly received, and delivered to his majesty the Earl Marischal's receipt of the honours; which the king having read, Captain George humbly requested it back, that it might be kept in his family as an evident of his and his wife's loyalty and good service done to the king and kingdom of Scotland, which his majesty granted, and was graciously pleased to confer a deserved mark of his highness's favour upon him and his family, by making him a knight baronet, by a patent dated at Whitehall, 5th of March, 1661, and gave him a new charter of the lands of Barras, changing the holding thereof, to hold thereafter blench of his majesty and his successors, 3d of March, 1662, which is ratified in parliament 11th of August, 1679: In which patent, charter, and ratification, is narrated the eminent service done and performed by Sir George Ogilvie of Barras, and that he was the preserver of his majesty's crown, sword, and sceptre, the ancient ho-

nours of the kingdom of Scotland, and the damages sustained by the said Sir George and his lady there through, from the beginning of the usurpation: During which time (notwithstanding of all temptations and threatnings used against them by the usurper) they carried themselves with the greatest integrity and constancy, under all their sufferings.

This Sir George Ogilvie of Barras was descended of the honourable family of Ogilvie Earl of Airlie: He married Elizabeth Douglas, daughter of Mr John Douglas of Barras, brother-german to William Earl of Angus, grandfather to the late Duke of Hamilton. By this lady he had the present Sir William Ogilvie, who married Isabel Ogilvie, daughter to Sr John Ogilvie of Invercarity, by whom he had very hopeful children.

A clear Vindication and just Defence for publishing of the foregoing Account; with other remarkable Instances, and observable Passages relating to, and confirming the Truth of it.

For truth seeks no corners, fears no discovery, and justice is no respecter of persons.

That the publishing an account of the preservation of crown, sword, and sceptre of Scotland, from falling into the hands of the English usurpers, by Sir George Ogilvie of Barras (then governor of Dunnottor castle) and dame Elizabeth Douglas his lady, was not done of design to offend, or derogate from the just honour of any, far less those of the family of Marischal (for whom the said Sir George Ogilvie did on all occasions evidence, and his posterity do yet continue a grand veneration and due regard.) But there being an account of the Earl of Kintore's family given to be inserted in Mr Alexander Nisbet's book of heraldry; in which account, the sole and chief preservation of the honours is ascribed to the now Earl of Kintore, and the then Countess-Dowager Marischal his mother; and not only makes mention of the said Sir George in a dishonourable manner, but doth also smother (and might in process of time have totally obliterate) the good service, loyalty, and sufferings of the said Sir George his well-deserving lady:[1] And it being credibly reported, that at the same juncture the said earl's account was given to Mr Nisbet at Edinburgh, the like account was sent to London, to be insert in Morery's Dictionary (and that a long time before the printing and publishing Sir George's account) what less could have been done, than, in self-defence, to vindicate the fame and good name, and to perpetuate the sufferings of the said Sir George and his lady: For the consideration, that the good name and reputation of the righteous shall be vindicated and secured after death, is, to a generous nature, sensible of true honour, a great spur and encouragement to worthy and virtuous deeds; and the earnest desire that people of old had of leaving a good name behind them, and of perpetuating the fame and glory of their actions to after-ages, did animate their brave spirits in the pursuit of virtue, and, with the hazard of their lives, to do great and glorious exploits for their country: And as it is the argument of a great mind to be moved by this consideration, so it is a sign of a low and base spirit to neglect it: Besides, there is a certain civility in human nature, which will not suffer men to wrong the dead, and to deny them the just commendation of their worth. I

[1] I cannot find any mention of this transaction in Nisbet's Heraldry; but in the peerage of Sir Robert Douglas, under the article Kintore, Sir John Keith, the first earl of that title, is mentioned as the chief preserver of the regalia, having, before the surrender of Dunnottor castle to the English, conveyed them from thence by assistance of some trusty friends, and deposited them under ground, in the church of Kinneff. It is added, that he then made his escape beyond sea, and wrote from abroad that he was safely landed with the regalia; which discouraged farther search.—*See Douglas's Peerage under the article Kintore.*

say, what less could have been done, than to vindicate the good name and reputation, and to perpetuate the sufferings of the deceased Sir George Ogilvie and his lady, by publishing to the world the true matter of fact, in the whole contrivance and procedure, from the evident instructions and documents left by the said Sir George, and the account of the transactions, and pregnant circumstances clearly by him narrated? which, it is presumed, will abundantly satisfy all unprejudiced and unbiassed persons, that the said Sir George and his lady were the only sufferers for, and preservers of, the honours; but particularly his lady, being of an heroic and masculine spirit, like the brave old Douglas, was eminently and mainly instrumental (by the divine aid) in preserving of the honours, as anon will more fully appear: For Sir George's lady not only conveyed the honours out of the said castle, by her special care and contrivance, without her husband's privity and knowledge, but gave out and maintained, both for concealing of the honours in a feasible way, and as a mean of her own and her husband's safety, and exemption from torture, that she had delivered the honours to the now Earl of Kintore, who had carried them abroad to the king: And to confirm the English that it was so, Sir George's lady (being of a ready and accurate wit) contrived a missive letter, as if from the now Earl of Kintore, giving her an account, That the crown, sword, and sceptre of Scotland were safely delivered by him to the king; which letter the English intercepting, she having so ordered the matter that it should fall into their hands, did thereafter almost believe it to be true; but before that was done, the English menaced and maltreated Sir George (and his lady in particular) to the highest degree of cruelty, in so far as Colonel Morgan was upon the point to expose her to an exquisite torment, by putting her in the boots; and he said, she was the most resolute and undaunted woman he ever spoke to: For she bid him do his utmost, she'd give him no further account of the honours. And that the English were intending to wreak their fury on Sir George and his lady, may be shrewdly guessed, by their causing a centenel to stand at the prison door, and another at the prisoner's bed-side all night, that they (Sir George and his lady) should not commune nor converse anent the securing and concealing of the honours. And because Sir George's lady bravely and constantly maintained, that she had delivered the honours to the now Earl of Kintore, as aforesaid, they, to disgrace and affront her the more, caused their provost-marshal to attend her, when she obtained the liberty and favour to take the air for some hours within the precincts of the castle, she being then almost stifled by a close and squalid imprisonment, which certainly hastened, if not procured, her death, being a woman of a high and fine spirit, that would rather (like a peice of true steel) break than yield; for in a little time after Sir Robert Grahame of Morphy's becoming bail for her and her said husband's rendering themselves prisoners again to the English governor of Dunnottor castle upon demand, she became hectic, being then almost worn out, both by her former long and streight imprisonment, and by the deep impressions the immoderate care of preserving the honours had made on her; to which being added the thoughts of her remaining still under restraint, and the continual damps of re-entering to close prison; no wonder that her high and noble spirit, being as unconquerable as she had then made the honours, broke the prison of her body by a happy and peaceable death, to enjoy, as there's good reason to hope, a crown of glory, being the promised reward of the righteous. And as this lady excelled in piety and virtue, so there is one very remarkable instance of her steady integrity (which should eternize her name) that when she was on her death-bed, she then, and not till then, did impart to Sir George her husband, how, and where the honours were hid and reposited, and took his hand upon oath, that although he should be brought to the scaffold to be execute, he should never betray his trust, nor deliver up the honours to the English. So by what is above narrated, it will unquestionably appear, that neither the now Earl of Kintore, nor his mother, were either privy to, or had a hand in conveying the honours out of the said castle, nor in securing and hiding

of them; but after the thing was providentially and happily done, for Sir George's lady to make use of the now Earl of Kintore's name was a very lawful stratagem in her, and that which no generous man then abroad would have declined to own, but would not have reaped the fruits of Sir George and his lady's labours, nor taken the whole reward due for their sufferings. And that lady might have made use of Sir John Strachan's name (if providence had suggested it) who was wont to come from King Charles the Second, then in exile, to get account of the posture the castle and garrison of Dunnottor was in, and likewise to know how matters then stood in this kingdom: And for instance, that Sir John Strachan did so, he brought a letter writ with King Charles's own hand, under cover of one from the then Lieutenant-General Middleton, directed thus, "To the Governor and Gentlemen in the Castle of Dunnottor;" which letters are yet extant, packed up, and folded in the most secret and compendious manner. The tenor of the king's letter is verbatim as follows:

GENTLEMEN,

Assure yourselves I am very careful of you, and sensible of your affection to me; give credit to what this bearer shall say to you, and observe my directions you shall receive from Lieutenant-General Middleton; you shall shortly hear again from me, and I would have you find some way frequently to advertise me of your condition, which I will take all possible care to relieve.

Paris, March 26th, 1652. CHARLES R.

The tenor of Middleton's letter to the governor is verbatim as follows:

My dear Friend,

I am so overjoyed to hear, that you, in this time, do behave yourself so gallantly, that I shall be most desirous to do you service; the particulars I remit to the bearer, my cousin and yours, to whom give trust, since he is particularly instructed from him, who shall rather perish than be wanting to his friend, and who, in all conditions, is, and shall be,

Yours, J. M.

The bearer, as is said before, was Sir John Strachan.

By these letters it doth further appear, that Sir George Ogilvie (then governor of Dunnottor castle) could not have carried himself with more loyalty and gallantry than he did. And although it be acknowledged in one part of the now Earl of Kintore's account, given to Mr Nisbet, that there could be (then) no hopes of succour, nor the said castle able to hold out long, if once attacked; yet in another part of the earl's account, it is alledged, that after Colonel Morgan had laid siege to Dunnottor castle, and that the cannon had played against it two days, the governor capitulated for himself alone, and made the English masters of the place, by which they got all the furniture, plate, pictures, books, and ancient papers belonging to the family of Marischal. To which it is answered, that there being no relief given, and all hopes thereof being then cut off, and but thirty-six men in the garrison (a mere handful in comparison of the number then requisite to defend the place)[1] and all of them day and night upon duty, were extremely fatigued and over-waked, yet they maintained their respective posts valorously for the space of ten days, during which time the said castle was bombarded and also battered by the cannon of the English; and when the governor found, that the garrison was not able to hold out longer, and all other forts within the king-

[1] Dunnottor castle incloses a very large circuit of ground, four acres at the very least; but great part being built upon a rock overhanging the sea, is scarcely accessible to assailants. To garrison it properly must have required at least a thousand men.

dom being then reduced, and under command of the English, and the main chance being secured, and preserved by his lady, viz. the honours and the king's papers, the said Sir George (the governor) made an honourable capitulation, the garrison being permitted to march out of the said castle with colours flying, drums beating, and kindled matches, for the space of a mile from the place; and the English were astonished to admiration, to see such a small force make so long and vigorous resistance against such a prevailing army: And the English expressly told, that if the castle had not been that day surrendered, they were resolved to have stormed it the very next day following, which easily they might have done, considering (as aforesaid) the bad posture the garrison was in. And that which did (some time before) mightily incommode and perplex Sir George the governor, was a mutiny raised and fomented by one David Lighton, who had been a colonel abroad, yet by the said governor's prudence, diligence, and conduct, the mutiny was suppressed and crushed in the bud, by causing train-out Colonel Lighton, and never allowed him to re-enter the castle, whereby the soldiers were quashed and composed, and the direful effects of that mutiny prevented, which was to have sacrificed the governor, and all under his charge, to the merciless cruelty of the English. And it was a signal act of providence the design was discovered: For there being several veteran soldiers in the garrison, who had served in France and other places, most of them strangers to the governor, and getting no pay from the public, made the governor's post uneasy, and also brought him to a deal of charges, he being necessitate to give pay to the said Colonel Lighton; and also to the surgeon, engineer, and cannoneer, all out of his own pocket, he having got no pay either to himself or them, from the public. The manner how the king's papers was conveyed out of the castle was thus: The governor's lady made a girdle of linen, and packed them up, and sewed them in so dexterously that no part of the girdle appeared more bulkish than t'other, and were happily carried out about a young gentlewoman's middle, whom the said governor's lady had kept in the said castle as a friend (for a while before) on that design. And after the castle was surrendered, as aforesaid, and that Sir George (the governor) and his lady were cast in prison by the English, their own private estate was not only mismanaged and neglected, but the generality of the country and neighbourhood looked upon Sir George and his lady as forlorn persons, and upon their fortune as ruined, in so much that those to whom they were indebted did instantly distress them; and the English did harass them, by seizing upon and taking away of the horses which laboured their own mains of Barras; and Sir George and his lady were not only enforced to suffer all this, but were also necessitate to be at great charges, during the time of their imprisonment, in complimenting and treating the officers and soldiers of the English garrison, out of their private estate, and the doing whereof was the great mean (under the divine protection) of Sir George and his lady's preservation from the extreme cruelty and torture they were threatened with by the English. And after Sir George's lady had, by her resolution and constancy, baffled all the threats and bad usage of the English, they (the English) proffered her and her said husband a vast sum of money for the honours; but that bait, though very prevalent with a great part of mankind, did not in the least stagger Sir George nor his lady's resolutions of integrity and loyalty, which were as firm as the rock on which they were then imprisoned, and remained untainted to the end, *et finis coronat opus.* So that bribes was not able to allure them, nor threats to frighten them into a discovery of these notable regalia, the ancient monuments of this kingdom. And the said Sir George was so cautious and circumspect, as to keep and leave to his posterity, as an evidence of his and his lady's loyalty, not only all the most material papers relative to the preservation of the honours, but also all the missive letters sent him thereanent, with the doubles of his own returns and answers, and all the passes granted by the

English to him and his lady from time to time, during their restraint and confinement to the house of Barras. And the said Sir George did also leave to posterity memoirs of the most remarkable instances, and observable passages, that occurred and fell out anent his and his lady's sufferings and losses in preserving of the honours; without which adminicles, it was not possible to have writ truly on this subject: But there's as much sure evidence, fairly exhibited, for proving the truth of what's asserted, as can be reasonably expected, or the nature of the thing can bear or require; and doth so irrefragably convince all, as to leave them nothing to say against it, unless there be any who will obstinately say, We will not believe it, nor yet our own eyes, nor the verdict of our reason.

And that the now Earl of Kintore and his mother did ascribe to themselves the chief and sole preservation of the honours, and did so inform King Charles II. at his restoration (before Sir George Ogilvie was able to apply, having then the honours under his care) is evident, both by the narrative of the said earl's account given to Mr Nisbet, and also by the answer given by King Charles to the then Earl of Strafford, when the late Earl of Airly (then Lord Ogilvie) did solicit Strafford to represent to his majesty the eminent service done by the said Sir George Ogilvie and his lady, in preserving the honours of Scotland. 'By my Lord Ogilvie's good leave,' said the king, 'it must not be so; for my Lady Marischal wrote to me, that she and her son John had preserved the honours.' This the late Airly did aver to be the king's answer.

And that the said countess endeavoured to procure Mr James Granger, then minister of Kinneff, to deliver up the honours to her, is evident, by her sending of Robert Keith of Whiteriggs (then sheriff depute of the Mearns) to persuade him thereto; but Sir George getting a surmise of the design, did expostulate with the said minister thereanent, who the more to ascertain the said Sir George, wrote him a letter, wherein he expressly says, "I'll break my neck before I break to you." These are Mr Granger's own words; yet Sir George, to prevent such endeavours, went and took up the sceptre to the house of Barras, and at the same time got an obligement from the minister, to make the crown and sword forthcoming to him upon demand; and Sir George, after he had taken up the sceptre, said to the minister, "The piper plays the worse that wants the nether chafts" (being an old Scottish maxim) intimating thereby, that the said countess her design was rendered abortive. And although the said minister's wife got a pecunial reward for her and her husband's fidelity and secrecy (who were employed by Sir George's lady, as trustees for hiding of the honours) yet notwithstanding of all the good and loyal service, so well contrived, prudently managed, and faithfully performed by Sir George and his lady (who were, under God, the prime actors, the only sufferers for, and main preservers of the honours) neither he the said Sir George, nor his son Sir William, got either place, pension, or any pecunial reward; but when Sir George, after the king's restoration, and that he had delivered the honours to the Earl Marischal, and gotten the earl's receipt of them, went to London, and was kindly received by the king, and was made a knight-baronet, and got the change of the holding of his lands, and the promise of a pension, how soon the king's revenues were settled. And some time thereafter, the present Sir William went up to court (a second time) in expectation of the pension promised his father Sir George: And although King Charles II. was graciously pleased to say, from his own mouth, to the present Sir William (upon his re-minding the king of Sir George and his lady's losses and sufferings in preserving of the honours) "Be you confident, I'll see to the standing of your family:" Yet the then Lauderdale, who was sole secretary, postponed and wearied out the said Sir William with dilators and shifts to the great loss of his money and time at court: And after Sir William had long waited, he was at last so slighted and neglected by Lauderdale (then become his enemy) that he was necessitate to

return home, without place or pension; although his father and he computed their losses to be then (*per lucrum cessans, et damnum emergens*) a thousand pounds sterling, the interest of which, by this time, would have amounted to a considerable sum. Now let the world judge, if it be not consonant to equity and reason, that the family of Barras (being the posterity of the said Sir George Ogilvie and his lady) should have a real reward, according to the merit of such an heroic and noble action, and a full recompence of the damage they sustained thereby. And by what is above narrated, truth doth appear in its naked colours, without fear or favour of any; for the God of truth will not suffer it to be smothered, nor pass without its due commendation and deserved reward.

And such a singular piece of loyalty, so prudently and faithfully performed, should be a motive to induce all honest-hearted Scotchmen, and good patriots in this and succeeding ages, not only to pay a grateful acknowledgment to the memory of those renowned persons Sir George Ogilvie of Barras, and dame Elizabeth Douglas his lady, but also to look upon their posterity as the representatives of those to whom Scotland owes its unconquered crown.

A Letter from the Nobility, Barons, and Commons of Scotland, in the Year 1320, *yet extant under all the Seals of the Nobility, directed to Pope John; wherein they declare their firm Resolutions to adhere to their King Robert the Bruce, as the Restorer of the Safety and Liberties of the People, and as having the true Right of Succession; but withal, they notwithstanding declare, that if the King should offer to subvert their civil Liberties, they will disown him as an Enemy, and chuse another to be King, for their own Defence.*

Translated from the original, in Latin, as it is insert by Sir George Mackenzie of Rosehaugh, in his Observations on Precedency, &c.

Edinburgh, reprinted in the Year 1703.

This Tract was published about the time of the Revolution, and again in Queen Anne's time. The manifesto was drawn up in the parliament at Aberbrothock. After a preamble, in which is enumerated every fable of early Scottish history, the Barons assume a more dignified and manly style.

Sanctissimo patri in Christo ac Domino, Domino Joanni, divina providentia sacrosanctæ Romanæ et universalis ecclesiæ summo pontificei, filii sui humiles et devoti, Duncanus Comes de Fyfe, Thomas Ranulphi Comes Moraviæ, Dominus Manniæ, et Vallis Annandiæ, Patricius de Dumbar Comes Marchiæ, Malisius Comes de Strathern, Malcolmus Comes de Levenox, Willielmus Comes de Ross, Magnus Comes de Cathaniæ et Orcadiæ, et Willielmus Comes de Sutherlandiæ, Walterus Senescallus Scotiæ, Willielmus de Soules Buttellarius Scotiæ, Jacobus Dominus de Douglas, Rogerus de Moubray, David Dominus de Brechine, David de Grahame, Ingelarmus de Umfravile, Joannes de Monteith, Custos Comitatus de Monteith, Alexander Frazer, Gilbertus de Haia, Constabularius Scotiæ, Robertus de Keith, Mariscallus Scotiæ, Henricus de Sanctoclaro, Joannes de Grahame, David de Lindsey, Willielmus Oliphant, Patricius de Grahame, Joannes de

Fenton, Willielmus de Abernethie, David de Weyms, Willielmus de Monte-fixo, Fergusius de Ardrosan, Eustachius de Maxwel, Willielmus de Ramsay, Willielmus de Montalto, Alanus de Moravia, Dovenaldus Campbell, Joannes Campburn, Reginaldus le Chen, Alexander de Seton, Andreæ de Lescelyne, et Alexander de Straton, cæterique barones et liberetenentes, ac tota communitas Regni Scotiæ, omnimodum reverentiam filialem, cum devotis pedum osculis beatorum. Scimus, sanctissime pater et domine, et ex antiquorum gestis et libris colligimus, quod inter cæteras nationes egregias, nostra sciz. Scotorum natio, multis præconiis fuerit insignata: Quæ de majori Scythia per mare Tirenum et Columnas Herculis transiens, et in Hispania inter ferocissimos, per multa temporum curricula, residens a nullis quantumcunque barbaricis poterat alicubi subjugari; indeque veniens, post mille et ducentos annos a transitu populi Israelitici, sibi sedes in occidente quas nunc obtinet, expulsis Britonibus, et Pictis omnino deletis, licet per Norwegienses, Danos, et Anglos sæpius in impugnata fuerit, multis sibi victoriis, et laboribus quamplurimis adquisivit; ipsasque ab omni servitute liberas ut priscorum testantur historiæ semper tenuit. In quorum regno, centum et tresdecem reges de ipsorum regali prosapia, nulla alienigena interveniente regnaverunt. Quorum nobilitates et merita, licet ex aliis non clarerent, satis tamen patenter effulgent, ex eo quod rex regum Dominus Jesus Christus, post passionem et resurrectionem suam, ipsos in ultimis terræ finibus constitutos, quasi primos, ad suam fidem sanctissimam convocavit: Nec eos, per quemlibet in dicta fide, confirmari voluit, sed per suum primum apostolum, quamvis ordine secundum vel tertium, sanctum Andreum meritissimum beati Petri germanum, quem semper ipsis præesse voluit ut patronum. Hæc autem sanctissimi patres et predecessores vestri solicita mente pensantes ipsum regnum et populum, ut beati Petri germani peculium, multis favoribus et privilegiis quamplurimis muniverunt. Itaque gens nostra, sub ipsorum protectione, libra hactenus deguit et quieta; donec ille princeps magnificus Rex Anglorum Edwardus, pater istius qui nunc est, regnum nostrum acephalum, populumque nullius mali aut doli conscium, nec bellis aut insultibus tunc assuetum, sub amici et confæderati specie, innumerabiliter infestavit: Cujus injurias, cædes et violentias, predationes, incendia, prelatorum incarcerationes, monasteriorum combustiones, religiosorum spoliationes, et occisiones alia quoque enormia, quæ indicto populo exercuit, nulli parcens ætati aut sexui, religioni aut ordini nullus scriberet nec ad plenum intelligeret, nisi quem experientia informaret. A quibus malis innumeris, ipso juvante qui post vulnera me detur et fanat, liberati sumus per serenissimum principem, regem et dominum nostrum, Dominum Robertum, qui pro populo et hæreditati suis, de manibus inimicorum liberandis, quasi alter Maccabæus, aut Josue laboris et tædia, inedias et pericula, læto sustinuit animo: Quem etiam divina dispositio, et juxta leges et consuetudines nostras, quas usque ad mortem sustinere volumus, juris successio, et debitus nostrorum consensus et assensus, nostrum fecerunt principem atque regem. Cui tanquam illi per quem salus in populo facta est pro nostra libertate tuenda, tam jure quam meritis tenemur, et volumus in omnibus adhærere. Quem, si ab inceptis desistet, Regi Anglorum aut Anglicis nos, aut regnum nostrum volens subjicere tanquam inimicum nostrum et sui nostrique juris subversorem statim expellere niteremur; et alium regem nostrum, qui ad defensionem nostram sufficiet, faciemus: Quia quamdiu in centum vivi remanserint, nunquam Anglorum dominio aliquatenus volumus subjugari. Non enim propter gloriam, divitias aut honores pugnamus, sed propter libertatem solummodo, quam nemo bonus nisi simul cum vita amittit. Hinc est, reverende pater ac domine, quod sanctitate vestram cum omni præcum instantia, genu flexis cordibus exoramus; quatenus sincero corde, menteque pia recensentes, quod apud eum cujus vices in terris geritis, non sic pondus et pondus nec distinctio Judæi et Græci Scoti aut Anglici, tribulationes et augustias nobis et ecclesiæ Dei illatis ab Anglicis, paternis oculis intuentes; Regem Anglorum, cui sufficere debet quod possidet, cum olim Anglia septem aut pluribus solebat sufficere regibus, monere et exhortari dignemini, ut nos Scotos in exili degentes Scotia

ultraquam habitatio non est, nihilque nisi nostrum cupientes in pace dimittat. Cui pro nostra procuranda quiete quicquid possumus, ad statum nostrum respectu habito, hoc facere volumus cum effectu. Vestra enim interest, sancte pater, hoc facere, qui paganorum feritatem, Christianorum culpis exigentibus, in Christianos fævientem aspicitis, et Christianorum terminos Arctari Indies: Quare ne quid vestræ sanctitatis memoriæ deroget, et si quod absit, ecclesia in aliqua sui parte vestris temporibus patiatur ecclepsia aut scandalum vos videritis, exortere igitur Christianos principes, qui, non casum ut casum ponentes, se fingunt in subsidium terra sanctæ, propter generas quas habent cum proximis ire non posse. Cujus impedimenti causa est verior, quod, in minoribus proximis debellandis, utilitas propior et resistentia debilior æstimantur. Sic quam læto corde dictus dominus rex noster, et nos, si rex Anglorum nos in pace dimittet, illuc iremus; qui nihil ignoret satis novit: Quod Christi vicario totique Christianitati ostendimus et testamur. Quibus si sanctitas vestra Anglorum relatibus nimis credula fidem sinceram non adhibat, aut ipsis in nostram confusionem favere non desinat; corporum excidia, animarum exitia; et cætera quæ sequentur incommoda; quæ ipsi in nobis et nos in ipsis fecerimus; vobis ab altissimo credimus imputanda. Ex quo sumus et erimus in hisque tenemur tanquam obedientiæ filii vobis tanquam ipsius vicario in omnibus complacere; ipsique tanquam summo regi et judici causam nostram tuendans committimus cogitatum nostrum jactantes in ipso; sperantesque linem; quod in nobis virtutem faciet et ad nihilum rediget hostes nostros. Serenitatem et sanctitatem vestram conservet altissimus ecclesiæ suæ sanctæ per tempora diuturna. Datum apud monasterium de Aberbrothock in Scotia, sexto die Aprilis, anno gratiæ millesimo trecentesimo vicesimo, anno vero regni regis nostri supradicti, quintodecimo.

The following is a Translation of the foregoing Letter.

To our most holy father in Christ, and our Lord John, by the divine Providence, chief bishop of the most holy Roman and universal church, your humble and devoted sons, Duncan Earl of Fyfe, Thomas Randolph Earl of Murray, Lord Mannia and Annandale, Patrick de Dunbar, Earl of March, Malisius Earl of Strathern, Malcolm Earl of Lenox, William Earl of Ross, Magnus Earl of Caithness and Orkney, William Earl of Sutherland, Walter Steward of Scotland, William de Soules, Buttelarius of Scotland, James Lord Douglas, Roger de Mowbray, David Lord Brechin, David de Grahame, Ingelramus de Umfravil, John de Monteith, warden of the county of Monteith, Alexander Frazer, Gilbert de Hay, constable of Scotland, Robert de Keith, Marischal of Scotland, Henry de Sancto Claro, John de Graham, David de Lindsay, William Oliphant, Patrick de Graham, John de Fenton, William de Abernethie, David de Weyms, William de Montefixo, Fergus de Ardrosan, Eustachius de Maxwel, William de Ramsay, William de Mounte-alto, Allan de Murray, Donald Campbell, John Camburr, Reginald le Cheene, Alexander de Seton, Andrew de Lescelyne and Alexander Straton, and the rest of the barons and freeholders, and whole community, or commons, of the kingdom of Scotland, send all manner of filial reverence, with devout kisses of your blessed and happy feet.

Most holy father and lord, we know and gather from ancient acts and records, that in every famous nation, this of Scotland hath been celebrated with many praises: this nation having come from Scythia the greater, through the Tuscan sea, and by Hercules's pillars, and having for many ages taken its residence in Spain, in the midst of a most fierce people, could never be brought in subjection by any people, how barbarous soever: And having removed from these parts, above twelve hundred years after the coming of the Israelites out of Egypt, did, by many victories and much toil, obtain these parts in the west, which they still possess, having expelled the Britons, and entirely rooted out the Picts, notwithstanding of the frequent assaults and invasions they met with from the Norwegians, Danes, and English; and these parts and possessions

they have always retained, free from all manner of servitude and subjection, as ancient historians do witness.

This kingdom hath been governed by an uninterrupted succession of one hundred and thirteen kings, all of our own native and royal stock, without the intervening of any stranger.

The true nobility and merits of those princes and people are very remarkable, from this one consideration (though there were no other evidence for it) that the King of Kings, the Lord Jesus Christ, after his passion and resurrection, honoured them as it were the first (though living in the utmost ends of the earth) with a call to his most holy faith: Neither would our Saviour have them confirmed in the Christian faith, by any other instrument than his own first apostle (though in order the second or third) St Andrew, the most worthy brother of the blessed Peter, whom he would always have to be over us, as our patron or protector.

Upon the weighty consideration of these things, our most holy father, your predecessors did, with many great and singular favours and privileges, fence and secure this kingdom and people, as being the peculiar charge and care of the brother of St Peter; so that our nation hath hitherto lived in freedom and quietness, under their protection, till the magnificent King Edward, father to the present king of England, did, under the colour of friendship, and alliance or confederacy, with innumerable oppressions infest us, who minded no fraud or deceit, at a time when we were without a king or head, and when the people were unacquainted with wars and invasions. It is impossible for any whose own experience hath not informed him, to describe, or fully to understand, the injuries, blood, and violence, the depredations and fire, the imprisonments of prelates, the burning, slaughter, and robberies committed upon holy persons and religious houses, and a vast multitude of other barbarities which that king execute on this people, without sparing of any sex or age, religion or order of men whatsoever.

But at length it pleased God, who only can heal after wounds, to restore us to liberty from these innumerable calamities, by our most serene prince, King and Lord Robert, who, for the delivering of his people, and his own rightful inheritance, from the enemy's hand, did, like another Joshua or Maccabeus, most cheerfully undergo all manner of toil, fatigue, hardship, and hazard. The Divine Providence, the right succession by the laws and customs of the kingdom (which we will defend till death) and the due and lawful consent and assent of all the people, made him our king and prince. To him we are obliged, and resolved to adhere in all things, both upon the account of his right and his own merit, as being the person who hath restored the people's safety, in defence of their liberties. But, after all, if this prince shall leave these principles he hath so nobly pursued, and consent that we, or our kingdom, be subjected to the king or people of England, we will immediately endeavour to expel him as our enemy, and as the subverter both of his own and our rights, and will make another king, who will defend our liberties: For so long as there shall but one hundred of us remain alive, we will never subject ourselves to the dominion of the English. For it is not glory, it is not riches, neither is it honour, but it is liberty alone that we fight and contend for, which no honest man will lose but with his life.

For these reasons, most reverend father and lord, we do with most earnest prayers, from our bended knees and hearts, beg and entreat your holiness, that you may be pleased with a sincere and cordial piety to consider, that with him, whose vicar on earth you are, there is no respect nor distinction of Jew nor Greek, Scots nor English; and that with a tender and fatherly eye you may look upon the calamities and straits brought upon us and the church of God by the English, and that you may admonish and exhort the king of England (who may rest well satisfied with his own possessions, since that kingdom, of old, used to be sufficient for seven or more kings) to suffer us to live at peace in that narrow spot of Scotland, beyond which we have no habitation, since

we desire nothing but our own; and we on our part, as far as we are able, with respect to our own condition, shall effectually agree to him in every thing that may procure our quiet.

It is our concernment, most holy father, to interpose in this, when you see how far the violence and barbarity of the pagans is let loose against Christendom, for punishing of the sins of the Christians, and how much they daily encroach upon the Christian territories. And it is your interest to notice, that there be no ground given for reflecting on your memory, if you should suffer any part of the church to come under a scandal or eclipse (which we pray God may prevent) during your time.

Let it therefore please your holiness to exhort the Christian princes, not to make the wars betwixt them and their neighbours a pretext for not going to the relief of the Holy Land, since that is not the true cause of the impediment: The true ground of it is, that they have a much nearer prospect of advantage, and far less opposition, in the subduing of their weaker neighbours. And God (who is ignorant of nothing) knows with how much chearfulness, both our king and we would go thither, if the king of England would leave us in peace; and we do hereby testify and declare it to the vicar of Christ, and to all Christendom.

But, if your holiness shall be too credulous of the English misrepresentations, and not give firm credit to what we have said, nor desist to favour the English to our destruction, we must believe that the Most High will lay to your charge, all the blood, loss of souls, and other calamities, that shall follow on either hand, betwixt us and them.

Your holiness, in granting our just desires, will oblige us in every case, where our duty shall require it, to endeavour your satisfaction, as becomes the obedient sons of the vicar of Christ.

We commit the defence of our case to him who is the sovereign King and Judge; we cast the burthen of our cares upon him, and hope for such an issue as may give strength and courage to us, and bring our enemies to nothing. The Most High God long preserve your serenity and holiness to his holy church.

Given at the monastery of Aberbrothock in Scotland, the sixth day of April, in the year of grace 1320, and of our said king's reign the fifteenth year.

A short Account how the Kingdom of Denmark became hereditary and absolute by a Difference betwixt the Lords and Commons.

Published as a Warning to other Nations.

Fælix quem faciunt alieni pericula cautum.

After the conclusion of the peace between the northern crowns, *anno* 1660, some considerable care and time was necessary to redress the disorders occasioned by so terrible a war. Denmark had been most violently shaken; and although the fury of the tempest was over, the agitation caused by it still continued: The army was not yet disbanded, nor could be for want of money to discharge its arrears; this caused frequent insolence in the soldiers, with a further oppression of the burghers and poor

country people, who had been in a manner already ruined by the miseries attending the war. The nobility, though lords and masters, were full of discontents, and the clergy not in the condition they wished.

To redress all which grievances, and reduce affairs into some order, by procuring money for the payment and disbanding of the army, the king thought fit to appoint a meeting of the three estates at Copenhagen, viz. the nobility, commonalty, and clergy; which accordingly followed about the beginning of October. After some few days session (during which the nobility, according to their usual practice, debated how the sums of money requisite might with the greatest ease and conveniency be levied upon the commons, without the least intention of bearing any proportionable share themselves) several disputes arose, and many sharp expressions passed between them and the commons; on the one hand, the nobility were for maintaining their antient prerogative of paying nothing by way of tax, but only by voluntary contribution; and shewed themselves too stiff at a time when the country was exhausted, and most of the remaining riches lodged in their hands: They seemed to make use of this occasion, not only to vindicate, but even to widen and enlarge their privileges above the other two estates, by laying impositions on them at pleasure, which weight they themselves would not touch with one of their fingers, any further than as they thought fitting. On the other hand, the clergy, for their late adherence to the interest of their country, and the burghers for the vigorous defence of their city, thought they might justly pretend to new merit, and be considered at least as good subjects in a state, which they themselves had so valiantly defended. They remembered the great promises made them when dangerous enterprises were to be taken in hand, and how successfully they had executed them; thereby saving from a foreign yoke, not only the city of Copenhagen, but the whole kingdom, the royal family, nay, those very nobles that dealt so hardly with them now. They judged it therefore reasonable, that the sums of money necessary should be levied proportionably, and that the nobility who enjoyed all the lands, should at least pay their share of the taxes, since they had suffered less in the common calamity, as well as done less to prevent the progress of it.

This manner of arguing was very displeasing to the nobles, and begat much heat and many bitter replies on both sides: At length a principal senator, called Otto Craeg, stood up, and in great anger told the president of the city, that the commons neither understood nor considered the privileges of the nobility, who at all times had been exempted from taxes, nor the true condition of themselves, who were no other than slaves, [the word in the Danish is unfree,] so that their best way was to keep within their own bounds, and acquiesce in such measures as antient practice had warranted, and which they were resolved to maintain. This word slaves put all the burghers and clergy in disorder, causing a loud murmur in the hall; which Nanson, the president of the city of Copenhagen, and speaker of the House of Commons, perceiving, and finding a fit occasion of putting in practice a design before concerted (though but weakly) between him and the bishop, in great choler rose out of his seat, and swore an oath, That the commons were no slaves, nor would from thenceforth be called so by the nobility, which they should soon prove to their cost: And thereupon breaking up the assembly in disorder, and departing out of the hall, was followed by all the clergy and burghers. The nobles being left alone to consult among themselves at their leisure, after a little while adjourned to a private house near the court. In the mean time the commons, being provoked to the highest degree, and resolving to put their threats in execution, marched processionally by couples, a clergyman and a commoner, from the great hall or parliament-house to the Brewers-Hall, which was the convenientest place they could pitch upon to sit apart from the nobles; the Bishop of Copenhagen and the president of the city leading them. It was there thought necessary to consider speedily of the

most effectual means to suppress the intolerable pride of the nobility, and how to mend their own condition: After many debates they concluded, that they should immediately wait upon the king, and offer him their votes and assistance to be absolute monarch of the realm; as also that the crown should descend by inheritance to his family, which hitherto had gone by election. They promised themselves the king would have so great obligations to them for this piece of service, that he would grant and confirm such privileges as should put them above the degree of slaves. They knew he had hitherto been curbed by the nobility to a great measure; and now saw their own force, being able (since they had arms in their hands, and the concurrence of the soldiers) to perform what they undertook: At the worst, they supposed they should only change many masters for one, and could better bear hardships from a king than from inferior persons: Or if their case were not bettered, at least they thought it some comfort to have more company in it; besides the satisfaction of revenge on those that had hitherto not only used them ill, but insulted over them so lately. They knew the king, and had seen him bear with an admirable patience and constancy all his calamities; were persuaded that he was a valiant prince, who had often exposed his person for the sake of the public, and therefore thought they could never do enough to shew their gratitude; which is the usual temper of all the people upon any benefit received from their prince.

Scarce was this proposed but it was agreed to; and nothing but the unseasonableness of the time (it being now near night) deferred the immediate execution of it; but all the necessary measures were taken against next morning. The clergy had a further drift in this change of government; for having been hitherto kept under by the nobility, they forecasted to have no other superior but the king, whose new authority they engaged to maintain by the influence they had on the consciences of the people; expecting with reason the like favour and protection from the king, together with an increase of their power, since he was in a great measure obliged to them for his own; and the benefits were likely to be mutual for the future, the one having the force, the other the tie of religion in their possession. Which contract subsists to this very day, to the great advantage of both sides.

The court all this while was not ignorant of what passed; there wanted no spies nor messengers to give notice of the discontents of the commons. Hanibal Seestede, a cunning man, was prime minister; and the bishop or superintendant Swan, with Nanson the speaker of the House of Commons, were his creatures: These had formerly in secret laid with him the design, which was now upon the point of disclosing, though their hopes were hardly raised so high, as to promise themselves such mighty success. The whole night passed in brigues and messages; the commons anger was to be kept up to the requisite height, and the resolution they had taken the night before not to be suffered to cool, but persisted in betimes next morning. The queen, a woman of intrigue and high spirit, wrought strongly in it by all manner of ways, whilst the king, either through doubt of the event or sense of the dishonesty and crime of the action, in procuring after such a manner the absolute dominion of a free country, could hardly be brought to comply with it. He declared that indeed he should be pleased the sovereignty were entailed on his family, provided it were done by universal consent; but to become absolute and arbitrary, was neither his desire, nor did he think it for the benefit of the kingdom; that he was satisfied he should not make ill use of such an unlimited authority, but nobody knew what successors he might have; that it was therefore dangerous both for them to give, and for him to receive, such a power as might be abused in future times to the utter ruin of the nation. But these reflections, whether they were real, or only pretences, whether caused by the piety or weakness of the king, were soon over-ruled by the more ambitious and masculine spirit of the queen, who desiring him to sit still, and see how she and her emis-

saries would work for him, told him, that the plot was well laid, and had begun to operate prosperously; that he must not obstruct his own and his family's good fortune; and in fine, so far prevailed on him, that he seemed with fear to consent to, and permitted that which most think he very much desired: Having, however, by this shew of unwillingness, left open to himself a door of reconciliation with his people, in case the business did not succeed.

All this while the nobles either had none, or but small intimation of the designs of the commons: They had been used so long to slight and tyrannize over them, that they were not now sensible of any impending danger from thence, contemning their threats as well as their persons, and imagining they would have repented next day, and complied with all that should be demanded of them. But the plot was deeper laid than they supposed; for not only the prime minister, but some other members of their own body, who had employments depending on the court, were engaged in it. This inadvertency, with the want of requisite courage upon occasion, brought upon them the mischief on a sudden; so that, except two or three, who were more than ordinary doubtful of what might happen, and slipt out of town that night, the rest were altogether fearless of danger, till the very instant that the evil was remediless.

Schack, the governor of the town, had been gained by the court to favour the design, which he performed effectually, though not with so servile an intention as others: For when the king, upon the first news of the resolution of the commons, did often openly promise that he would in gratitude and recompence declare them all free as soon as it lay in his power, by the gift they were about to make him; and the people were willing to trust the king's goodness, and to depend on the performance of this promise, encouraged thereunto by the clergy, who alleged it a thing unbeseeming and dishonourable to require any other security from the king than his bare word, yet Schack urged vehemently that the commons should insist to have this promise under the king's hand, and make themselves sure of the reward for so considerable a present as they were going to make, whilst they had so fair an opportunity in their hands. But all his instances were in vain; they were in the giving humour, and resolved to do it generously, trusting the king for the performance of his word: A thing which they have since often, though too late, repented of.

Next morning the nobles met in the council-house, and the other two estates in the Brewers-Hall; the resolution of the commons could not be kept so secret, but by this time some warm rumours of it had reached the nobility; but scarce had they leisure to consider what was fittest to be done on that occasion, when they were informed that the commons were marching towards them: For the bishop and the president had so well performed their parts, and urged the necessity of speedily executing what had been resolved the day before, that all time was judged lost which was not employed in putting it in practice; they immediately agreed to go to the council-house, and there propound to the nobility their design, desiring their concurrence in such a necessary work for the welfare of the kingdom. They marched through the streets with great gravity and silence, by couples, as before, whilst the mob by repeated shouts applauded what they were going to do. And thus they came to the house where the nobles were assembled, who had scarce warning sufficient to receive them.

The president Nanson made a short harangue, setting forth that they had considered the state of the nation, and that they found the only remedy for the many disorders which afflicted it, was, to make the crown hereditary, and to give more power to the king than hitherto he had enjoyed; that this resolution was already taken by the commons and clergy, in which, if the nobility should think fit to concur, they were ready to accompany them to the king, and make him a tender of an hereditary and sovereign dominion; if not, that they were going themselves, and the matter should be done without them: That speedy resolution was necessary, for they had already sent word

to the court of their coming, and his majesty expected them in the hall of his palace; therefore desired to be informed in few words what they resolved to do.

The suddenness of such a proposition, and briskness in the manner of its delivery, caused a general astonishment in the nobles; one might have seen those who but the day before carried it so proudly, in an instant fall to an excess of complacency, and betray their fear by their speeches and countenances, as they formerly had done their arrogance. The mischief no sooner appeared to them, but they saw it was unavoidable; there was no leisure allowed them to consult; and to deny their compliance, or even to delay it, was dangerous. To give up at once their beloved power, and submit their necks to a heavy yoke, was an intolerable grievance: But they saw they were no longer the masters; the commons were armed, the army and clergy against them; and they found now too late, that that which the day before they had considered only as the effort of an unconstant giddy multitude, was guided by wiser heads, and supported by encouragement from court, nay possibly by some of their own body: They suspected each other, and no man knew whether his next neighbour was not in the plot against the public liberty. It is easy to imagine what distracted thoughts afflicted them on a sudden; they were altogether unprepared for such a dismal stroke: But some answer must be given, and that speedily. Such a one as they had a mind to give, they durst not; for they were assembled in a fortified town, remote from their several countries and interests (where they had governed like so many princes) in the power of those who could, and certainly would, be revenged in case they proved refractory. The best way, therefore, was to seem to approve of what they could not hinder. They answer, that the proposition made to them by the commons was not displeasing, but the manner of it wanted the requisite formalities; that previous deliberation was necessary to an affair of so great moment; and they could not but take it ill, a resolution of such consequence should be concluded on by the commons, without the least acquainting of the nobility with it, who were the chief estate of the realm: That they also aspired to the honour of bearing their part in bestowing such a material gift on the king and his posterity, but desired that the matter might be proceeded on with that gravity, and solemnity, which the nature of it required: That it was not fit such a weighty transaction should have the appearance of a tumult, and seem forced rather than a free choice. The conclusion of all was, that they hoped the commons would a little defer the putting in execution their design; and in the mean time consult with them, till the affair were done orderly, and with unanimous approbation, as well as to mutual advantage.

This was with great vehemency by the president denied. He replied, these were shifts only to gain time, that the nobles might be in a condition to frustrate the intention of the commons; that the point was already agreed, and the resolution taken; that they came not thither to consider, but to act; if the nobles would join with them, they were ready, if not, they would do what was to be done alone; and doubted not but his majesty would make his use of it.

During these disputes the nobility had privily sent some of their body to court to acquaint the king, that the commons were now at their house, and had made them sudden proposals out of form, but such as they should rather concur with, than be averse to; that they were ready to join with them in offering an hereditary crown to his majesty, and the heirs male of his family for ever; which they hoped his majesty would accept in good part: But desired to proceed in the usual methods, which such weighty affairs merited, viz. by conference and deliberations, that it might appear rather an effect of their just sentiments of his majesty's valour and conduct, than the sudden motions of a tumultuous assembly.

The king, with a great deal of mildness, as if he had been wholly unconcerned and passive on the case, replied, That he was obliged to them for their designs in favour

of him and the royal family; that he hoped what they were about would tend to the benefit of the nation; but that a crown intailed only on the heirs male could not be so acceptable to him, as if it were given without that limitation; that the government of females had neither been a new thing at home, nor unprosperous in neighbouring countries: That they might consider of it, and since it was their gift, he would not prescribe, but it could not be accepted by him unless it were more general.

In the mean time the commons grew impatient, the answer given them was not satisfactory, and the nobles had not yet resolved on an entire compliance, nor were ready to accompany them, because they had not yet an account of the success of their members sent to sound the mind of the court. The clergy and burghers therefore, led on by their bishop and president, proceed without them to the palace, and were met by the prime minister, and conducted by him to the Hall of Audience, whither after some short time the king came to them. The bishop makes a long speech, setting forth the praises of his majesty, and the cause of their waiting on him; concluding with an offer, in the name of themselves, the two most numerous, and, if he pleased, most powerful estates, of an hereditary and absolute dominion; together with the assistance of their hands and purses, in case any body should go about to obstruct so necessary and laudable a design for the good of the country. The king told them in short, that he thanked them; and in case an universal consent established this good desire of theirs, he would accept the present they made him; but that the concurrence of the nobles was necessary; which he doubted not of the least, when they had time to make the offer with the necessary formalities: That he assured the commons of his royal protection, and should not be unmindful of their kindness, by easing them of their grievances, and by encouraging subjects who had behaved themselves so valiantly, and deserved so well from him: Concluding with his advice to them to continue their session till such time as matters were brought to perfection, and he could receive their gift with the solemnity that was fitting. And thereupon dismissed them.

But the nobles were all this while in a grievous distraction; they saw the commons were gone to the king without them: Their messengers brought news back their proposition of intailing the crown on the heirs male was not pleasing, because a greater advantage was in prospect; that this offer was looked upon to proceed from persons that would not have bestowed any thing, if they could have helped it: That it was thought they pretended to merit in giving only a part, when it was not in their power to hinder the taking the whole. In this irresolution they broke up; and since they were to meet again at noon upon another solemn occasion, they resolved at that time to consider how to proceed in an affair so delicate.

Monsieur Schele, a senator, and principal man of the country, was that afternoon to be buried in great pomp; his body had lain some months in state, and, according to the custom, was to be accompanied to its interment by all the nobility then in town; this being a parliament time, was chosen for the ceremony, because the nobles were all together, and a magnificent dinner was prepared, as is usual on the like occasions. In the height of their entertainment an officer comes into the room, and whispers some of the principal men that the city gates were shut, and the keys carried to court: For the king having been informed by the governor, that two or three had privily slipt out of town the night before, and being resolved that no more should escape out of the net, till he had done his business, had ordered the governor that morning to lock the gates, and to let no person in or out without special order. The governor sent one Bill, the town major, to put this in execution; who, as soon as he had done it, came to the house where they were met, and sat down at table among the senators. This dismal news of the officer was presently whispered round the company; who immediately applied themselves to him to know what the meaning was of such an unusual proceeding at the time of a general convention. They asked him what destiny was

appointed them, whether they were there to be massacred, or what else was to be done with them? The town major calmly answered, That he believed there was no danger towards them; that such violent measures would not be taken by so gracious a king, though he had indeed given the orders himself for the shutting of the gates; and that nobody was to stir out of the town without leave; but that this needed not disturb or hinder them from finishing the work of the day, and pursuing the publick as well as their private occasions. There wanted no more than this confirmation from the officer to overthrow all the resolutions and consultations of the nobles; the dread of losing their lives took away all thoughts of their liberty. They immediately dispatched messengers both to the court and the commons, to give notice of their disposition to comply with what was formerly proposed; assuring them likewise, that they were ready to agree to all that should be asked of them.

But the king, who had began and played his game so well hitherto, determined to pursue it to the utmost, and would not suffer the gates to be opened, till the whole ceremony of the inauguration was concluded, and the homage done in due form; and therefore ordered they should stay, till in the face of the people, and the army, they had sworn fealty, and divested themselves of all right, as well as power, to cause any disturbance or alteration for the future.

Three days time was requisite to prepare matters for that fatal hour, wherein they were to make a formal surrender of their liberty; the scaffolds were raised in the place before the castle, and adorned with tapestry; orders were given for the soldiery and burghers to appear in arms under their respective officers. And when all things were ready, on the 27th of October in the morning, the king, queen, and royal family, mounted on a theatre erected for that purpose, and being placed in chairs of state under canopies of velvet, received publickly the homage of all the senators, nobility, clergy, and commons, which was performed kneeling. The oath, which they were obliged to take, was in these words:

"I, A. B. do promise, and declare, that I will be true, and faithful to your majesty, as my most gracious king and lord, as also to your royal family; that I will endeavour, and promote your majesty's interest in all things, and to the best of my power defend you from all danger, and harm; and that I will faithfully serve your majesty as a man of honour and an hereditary subject ought to do. So help me God," &c.

This oath they were obliged to pronounce aloud; and some men of quality that were sick, or pretended to be so, were brought in chairs: Among others one Gersdorf, a principal senator, who was the only man that opened his mouth in the behalf of their expiring liberties, saying, That he hoped and trusted, that his majesty designed nothing but the good of his people, and not to govern them after the Turkish manner; but wished his majesty's successors might follow the example which his majesty would undoubtedly set them, and make use of that unlimited power for the good, and not the harm, of his subjects. Not one of the rest spoke a word, or seemed to murmur in the least at what was done; and it is observable, that among so many great men, who a few days before seemed to have spirits suitable to their birth and qualities, none had the courage during those three last days, either by remonstrance, or any other way, to oppose in any manner what was doing. And I have heard very intelligent persons, who were at that time near the king, affirm, that had the nobles shewed ever so little courage in asserting their privileges, the king would not have pursued his point so far as to desire an arbitrary dominion: For he was in continual doubt and dread of the event, and began to waver very much in his resolutions; so that their liberties seem purely lost for want of some to appear for them.

From the theatre, those that had done homage, went to the council-house, where

the nobles were called over by name, and ordered to subscribe the above-mentioned declaration, which they all did.

Thus this great affair was finished, and the kingdom of Denmark in four days time changed from an estate little differing from aristocracy, to as absolute monarchy as any is at present in the world.

The commons have since experienced, that the little finger of an absolute prince can be heavier than the loins of many nobles. The only comfort they have left them being to see their former oppressors in almost as miserable a condition as themselves; whilst all the citizens of Copenhagen have by it obtained the insignificant privilege of wearing swords: So that at this day not a cobler or a barber stirs abroad without a tilter at his side, let his purse be never so empty. The clergy, who always make sure bargains, were the only gainers in this point; and are still much encouraged by the court, as the instruments that first promoted, and now keep the people in a due temper of slavery; the passive obedience principle riding triumphant in this unhappy kingdom.

It was but justice, that the court should pay well the principal contrivers of this great resolution; and therefore, notwithstanding the general want of money, Hanibal Seestede had a present of 200,000 crowns; Swan, the superintendant or bishop, was made archbishop, and had 500,000 crowns; the president or speaker Nanson, 20,000 crowns. And to the people remained the glory of having forged their own chains, and the advantage of obeying without reserve,—a happiness which I suppose no Englishman will ever envy them.

London's great Jubilee restored and performed on Tuesday, October 29th, 1689, *for the Entertainment of the Right Honourable Sir Thomas Pilkington, Knight, Lord Mayor of the City of London. Containing a Description of the several Pageants and Speeches, together with a Song for the Entertainment of their Majesties, who, with their Royal Highnesses the Prince and Princess of Denmark, the whole Court, and both Houses of Parliament, honoured his Lordship this Year with their Presence. All set forth at the proper Cost and Charge of the Right Worshipful Company of Skinners. By M. T.* 1689.

Sir Thomas Pilkington had been much concerned in the political struggles in the city of London during the reign of Charles II. and James II. He was sheriff with Mr Shute when the Earl of Shaftesbury was tried, and, assisted by his colleagues, he made such a return of staunch whigs for jurymen as insured the celebrated verdict of *Ignoramus*. In 1692, he was fined 100,000*l.* [See vol. VIII. p. 293.] for scandalous words against the Duke of York. This amounted, indeed, to perpetual imprisonment, to which he surrendered himself in discharge of his bail. He appears not to have been delivered till after the Revolution, when, in acknowledgment of his services, he was chosen lord mayor. His election was considered as an æra among the whigs; at least Swift humorously represents it as such, when, in his "Dennis's Invitation to Steele," he makes the former promise such wine

> ——— As the drawer will not fail to swear
> Was drunk by Pilkington when third time mayor.

Swift also mentions his recollection of the pageants of Pilkington, in his correspondence with Mr Barber while Lord Mayor of London. The devices, &c. were perhaps the invention of Elkanah Settle, who was long poet to the city of London. Taubman, the dedicator, wrote many poems and panegyrics about this period, and always in favour of the party which was uppermost for the time.

To the Right Honourable Sir Thomas Pilkington, Knight, Lord Mayor of the City of London.

Though there be several remarkable occurrences contributing to the solemnity of this day (as the presence of their majesties, the court, &c.) yet the general joy and satisfaction of the city is no less worthy of record, which is as universal as their preparations are public. Nor can it chuse but add a rubrick in the calendar of your life, that you were the first advanced to the pretorical chair of this great metropolis, after the year of redemption, the happy day of deliverance from Pagan and Egyptian bondage, by miracles and wonders. When idolatry, like a deluge, had overspread the land, and the church, like the ark, lay tottering upon the billows, then came the dove with the olive-branch of joy; he allayed the swelling of the waters, restoring us to our liberty and religion. When arbitrary force and lawless usurpation had unreasonably imposed on us new lords and new laws, contrary to the practice and known customs of this city, then did you, in defence of our just rights and liberties, stand in the gap, and bravely oppose the violence of the impetuous torrent. So great a champion was you, and so zealous an asserter of these rights, that you preferred our privileges before your liberty, and glorying in your chains, while you were yet a magistrate, became twice a prisoner. Like Daniel, you are taken out of the lion's den, to be a ruler over us: Nor had those ravenous beasts any power over you, although their malice was sufficiently exasperated against you; their jaws were stopped, till the delivering monarch ordered your enlargement, raising you higher by your fall, and a greater object of his favour by your sufferings. This royal bounty of the prince could not but beget in us a grateful emulation to prefer you in the city, for whose sake you had suffered such long and severe persecution. The chair being vacant by the death of Sir John Chapman, with one consent you are chosen for the remaining time; and then, with an unanimous heart and voice of the elective assembly, to continue for the ensuing year. My lord, we mention not this as a favour done, but as a debt due to your sufferings; and at last should think all this too little, were it in our power to do more. This must stop the mouth of envy, that all tongues must confess your own merits have most justly advanced you. You have asserted our rights, restored our customs and immunities. Every thing runs clear in its proper channel: That it may never again be disturbed by the violence of impetuous and arbitrary men, is the prayer of,

My lord,
Your lordship's most obedient,
And most devoted humble servant,
M. Taubman.

To the Right Worshipful the Company of Skinners.

Right Worshipful,

There is not a company in this famous city (though yet more antient) has arrived to the dignity you have done; you have had the honour to have six kings members of your society, and this year a king and queen for your royal guests, in the first year of their reign, and the first of your deliverance from arbitrary and tyrannical impositions.

There is yet another remarkable honour worthy to be recorded, the deserving patriot of his country, Sir Thomas Pilkington, lord mayor, whom (signalized for his sufferings) you have most deservedly exalted from a prison to the pretorial chair. This will be your applause for what is done, that his lordship's own merits have given him a title

thereunto. Your costly preparations, prudent contrivance, and bounteous contribution towards so glorious an entertainment, is not only a demonstration of your respect to his lordship, but of zeal to their majesties. That you have made me an humble instrument to contribute towards the preparations of this great day, requires the acknowledgment of

Your most humble servant,

M. TAUBMAN.

Sir John Chapman being deceased in the year of his mayoralty, the Right Honourable Sir Thomas Pilkington was chosen for the remaining term; this being expired, he is again chosen for the ensuing year. This time of election is on Michaelmas-day, there being a month allowed for the preparations of the festival, which falls on the 29th of October, the next day after Simon and Jude. During this time there is a committee chosen, of the most judicious and experienced citizens, to contrive, consult, order, and debate of all matters relating to the solemnity of this day; which, for the antiquity of its institution, the grandeur of its preparations, the splendour of the pageants, the concourse of nations, and the stateliness of their entertainments, may be called the greatest and most costly in all the universe. This year especially claims the pre-eminence, being honoured with the presence of their most sacred majesties, the prince and princess of Denmark, with all the principal officers of the court, and both houses of parliament; the Bishop of London, and all the chief prelates of the church; the lord commissioners of the privy-seal, the lords chief justices of both benches, the lord baron, and all the learned judges in the law; the four Dutch, and all foreign ambassadors, envoys, and residents; who stand more amazed at this day's entertainment, than any feast they had either seen or heard of in all the world before.

It is necessary, before we come to the description of the pageants, to make some remarks on the preparations of the morning.

Betwixt seven and eight o'clock in the morning, the whole company designed for the duty of the day met at Skinners-Hall at Dowgate.

1. The master, wardens, and assistants, in gowns faced with foins.
2. The livery, in gowns faced with budge, and their hoods.
3. Divers foins-bachelors, in gowns and hoods.
4. Thirty budge-bachelors, in gowns and scarlet hoods.
5. Thirty gentlemen-ushers, in velvet coats, each of them a chain of gold about his shoulder, and a white staff in his hand.
6. Thirty other gentlemen for bearing banners and colours, some in plush-coats, and some in buff, they also wearing scarfs about their shoulders of the company's colours. The motto in the banners, "To God only be the Glory."
7. Several drums and fifes with red scarfs, and the colours of the company in their hats, red and yellow.
8. The serjeant-trumpet, and thirty-six trumpets more, whereof sixteen are their majesties, the serjeant-trumpet wearing two scarfs, one of the lord mayor, another of the company's.
9. The drum-major to the king, wearing a shoulder-scarf of the company's colours, with other of his majesty's drums and fifes.
10. The two city-marshals, each of them mounted on horse-back, with rich furniture, housings, and crupper-cloth embroidered; six servitors likewise mounted to attend with scarfs, and colours of the company's.
11. The foot-marshal and six attendants with the like scarf and colours.
12. The master of defence with the same scarf and colours, having ten persons of the same science to attend him.

13. Threescore pensioners accommodated with gowns and caps, each of them employed in bearing of standards and banners.

14. Several other pensioners in blue gowns, white sleeves, and black caps, each of them carrying a javelin in one hand, and a target in the other, wherein is painted the coat-armour of their founders and benefactors of the company.

Thus ordered and accommodated, they are committed to the management of the foot-marshal, who distributes them into seven divisions, and ranks them out two by two, beginning with the inferior part of the standard-bearers. In the head of them are placed two drums, one fife, and one gentleman, bearing the company's arms.

In the rear of them, two gentlemen bearing banners, being the arms of deceased benefactors.

After them march the aged pensioners in gowns, and in the centre of them fall in two drums, beating the Dutch march, in token of their deliverance by the Prince of Orange, his present majesty.

In the rear of them fall in three drums, one fife, and two gentlemen in plush-coats, bearing two banners or ensigns, one of the king's, the other of the company's. After them fall in six gentlemen-ushers, and likewise the budge-bachelors.

The next two gentlemen bearing two other banners. After them fall in six gentlemen-ushers, and after them the foins-bachelors.

In the rear of them fall in two drums and a fife, then two gentlemen, the one bearing my lord mayor's, the other the city banners, after them twelve gentlemen-ushers, and after them the court of assistants, which makes the last division.

The right honourable the lord mayor, with the principal aldermen and sheriffs, while this is doing, take their usual repasts in Skinners-Hall, while the trumpets sound a levet, and the kettle-drums echo their harmonious sounds in the court. Having notice of the company's motion, his lordship mounts his horse, with the aldermen in their order, two by two, the sheriffs in the rear.

In this equipage of two and two, till taking in his lordship and his attendants, they march directly from Skinners-Hall through Queen-street into Cheapside, there being no lord mayor this year to join him from Guildhall.

In this order they march to the Three-Crane Wharf, where they enter into their several barges, which are gloriously adorned with banners, flags, and pendants. His lordship at the stairs next Westminster, for the priority of place, as admiral to this golden armado, the rest of the companies at another pair of stairs, yet so, as in order and seniority; for this peaceful navy moves not like men of war by couples, grappling in an engagement, but, like princes of the blood, one by one, that their state may be more discernable, and their grandeur the more remarkable. In the mean time the gentlemen-ushers, budge-bachelors, and foin-bachelors, have their opportunity to repair to their several places of defection.

His lordship being landed at Westminster-Stairs, and having performed the accustomed ceremony of taking the oaths, comes at last to the Exchequer-Bar, where the lord chief baron makes an elegant, but short speech; which being ended, the lord mayor, with his retinue, marching down Westminster-Hall, repair to their respective barges, which return in the same form and state they went. Nothing but gold and sapphire represent themselves unto your view: The pendants flying, drums beating, trumpets sounding, musick playing, which is echoed from the several pleasure-boats, and others that are playing from each side with pattararoes, and other small pieces, to compliment them as they pass; insomuch that the Thames is nothing but a continual flowing harmony, which never ebbs till his lordship is landed.

After this glorious object upon the water had afforded all that could be delightful to the eye or ear, his lordship hastens to Black-Friars-Stairs, where the bachelors are ready set in order by the foot-marshal, as in the morning, to attend him, and both

bodies joined, march up Ludgate-Hill, and so into Cheapside, till about the Half-Moon Tavern, where his lordship is entertained with the first pageant, which is thus adorned.

The First Pageant

Is a triumphant chariot, adorned with oriental pearl, topaz, and carbuncle. This stately structure is carried by a Panther and Sable, which are the supporters of the right worshipful the company of skinners. Their ensign, or bearing, is no less honourable than peculiar, being ermin in a field argent, three crowns on a chief, and gules with caps of the first; the crest a panther couchant, with a wreath and laurels about his neck, as hath the supporters; the motto, "To God only be Glory." They were formed a society in the first of King Edward III. who was the first founder of this ancient society. Since this time, in so high a value was this company with the court, that from the first founder no less than six kings have been founders and members of this corporation, Edward III. Richard II. Henry IV. Henry V. Henry VI. and Edward IV. besides nine dukes, two earls, and one lord. The crest and supporters of the said arms were obtained and granted by William Harvey, clarencieux, who was free of the same company, *anno Dom.* 1561. These arms, with the supporters and crest as blazoned, are painted on an imperial arch of the Dorick order in the frontispiece of the chariot. Honour, placed in a distance below, beats the kettle-drum, which is an emblem to the martial bands and artillery of the city, to be ready for their arms in case of defence.

On a distance above, under an imperial canopy of golden fringe, sits Augusta, representing the famous city of London. At her foot sit Peace and Concord before, behind Mercy and Innocency, as her attendants, which we will describe hereafter.

On the Panther is mounted a figure, representing Wisdom; for, besides its usefulness, it exceeds the lion in cunning, being that of subtilty, that he will decoy the lion from his den, who, in hopes to make him his prey, is catched himself in the snare; for this subtile creature, being of a slenderer shape, digs its den to his own dimension, wherein leaping to defend himself from the violence of the enraged lion, who leaps after, and sticks by the middle, becomes his prey.

On the sable is placed Government, because the sable is the distinction of Honour by their ermin, and those persons of honour so distinguished (not by their merits only) are the people to whom the government is generally committed.

Honour, in a purple robe wrought with gold, a mantle of white silk fringed with crimson, bearing in her left-hand a shield of the company's, in her right a banner of my lord mayor's. On a coronet of stars, or, this motto, *Honor solius Dei est.*

Wisdom, in a silver robe and blue mantle seeded with stars, and fringed with silver. In the one hand bearing a banner with this inscription, *Sapientia docet;* in the other, a banner of the city's.

Government, in armour of silver and an helmet; in the right-hand, a gold truncheon; in the left, a banner of the king's.

Peace, in a robe of white scattered with stars; in the left-hand, a branch of palms; in the other, a white flag.

Concord, in a crimson-coloured robe, a sky-coloured scarf, fringed with silver, and fair bright hair; about her head a garland of red and yellow flowers, representing the happy concord of king and people, court and city, in the honour this day conferred upon them, in their majesties presence; in her left-hand, a shield charged with a grove of myrtles; in her right-hand a banner of the company's.

Mercy, in a robe of crimson, and silver mantle; holding in one hand a spear; in the other, a banner of the city's.

Innocence, with an harmless, mild countenance

Augusta, or London, gloriously attired in a robe of crimson, and a mantle, Or, a cap of maintenance, representing the colours of the king and company, salutes his lordship in these words:

The First Speech.

Since first Augusta was my ancient name,
London has more than once been in a flame.
Our fierce elections, our domestick wars,
Our hot contentions, and our civil jars,
In a few years have prejudiced us more,
Than all the Jesuits powder did before.
But thanks (my lord) the cloud is now dispersed,
And we are of our former rights possess'd.
The sun, with you, resumes its course this year,
And shines again within our hemisphere.
All we enjoy we must acknowledge due
To England's great preserver, and to you.
You did assert our privileges. He
Timely redeem'd from pointed tyranny.
You, for our freedom, sacrificed your own,
What more cou'd Pompey for his Rome have done?
In some degree, to make you recompence,
Behold Peace, Concord, Mercy, Innocence!
These are the best supporters of a state,
My handmaids here assign'd on you to wait.

The Second Pageant.

An imperial throne, gloriously adorned with all manner of jewels, pearls, and topaz, mounted on a royal pedestal of the Compositive, Corinthian, and Roman order. On the top of this pedestal sits a masculine, warlike person, stiled Monarchy, dressed in the habit of a Cæsar, with a sceptre in his hand, and a laurel about his head, holding a globe in his hand, with this inscription, "Britannia." It seems to slip out of his hands, which he, timely recovering, kisses, and hugs it in his arms.

At a distance below, on the torus of the base, are placed the four cardinal virtues, Prudence, Justice, Fortitude, and Temperance, as the best support and foundation of monarchy; all these virtues being naturally inherent to our present monarch. On the lower square of the cornice are placed four figures, representing the four kingdoms, quartered in the royal arms, England, Scotland, France, and Ireland, which are habited as follow:

Prudence, in a scarlet robe, and silver mantle fringed with gold, a chaplet of flowers, a shield vert, charged with a dove argent, bearing a banner of the city.

Justice, in a crimson robe, and a purple mantle fringed with gold and silver; in the right-hand bearing a shield, with a balance; in the left, a banner of the company's.

Fortitude, in a blue robe, a silver mantle, a golden corslet about her neck, a garland of orange-leaves, bearing a tower argent, and a banner of the king's.

Temperance, in a white robe, green mantle, and a chaplet of lilies and roses; in one hand bearing a shield, with a golden cup; in the other a banner of the city's.

England, or Britannia, in a scarlet-coloured robe, with a mantle of gold, and a crown imperial; a trident in her left-hand, and in her right a standard of England.

Scotland, in a blue robe, a silver mantle, and a scarf of gold; a chaplet of thistles, with their leaves about her head: In her left-hand a shield, bearing St Andrew's cross; in her right a banner of the king's.

France, in an azure-coloured robe, spangled with gold flower-de-luces; a crown imperial dropping, which he supports in one hand, bearing in the other a banner of my lord mayor's arms.

Ireland, in a robe of white linen, a mantle of frize, fringed with silver, and an helmet of gold, with a laurel of shamrogs, or green leaves, round it; in the one hand a target, bearing the Irish harp; in the other a banner, with the company's arms.

His lordship having viewed the variety of these figures, pleased with the ornament of the pedestal, and the gloriousness of the workmanship, makes an halt; when Monarchy, rising in state, with a golden sceptre in his hand, descending three steps, addresses him in these words:

The Second Speech.

From foreign regions, and the toils of war,
I come to guard you to a peaceful chair:
When nought but chains proclaim'd the freeman's doom,
London almost a tributer to Rome,
'Gainst the intrigues of the most Christian Turk,
Then great Nassau was sent to do our work;
Sent by indulgent Heav'n, to set us free
From arbitrary force and slavery.
We now are happier than we were before;
The halcyons build their nests uponour shore.
Hearing the Royal Pair had graced your feast,
I come with Virtue to intrude a guest;
Such virtues as few other monarchs have,
Prudent, just, sober, resolute, and brave:
These virtues shall subdue the nations under,
And make their terror what is now their wonder.
England appears in triumph; all her tears
Are vanish'd with our jealousies and fears;
Scotland's united to the British crown,
Ireland subdued, proud France shall be our own;
The wither'd flower-de-luce's head shall droop,
His lofty neck shall to the Orange stoop.
These should be trophies of my victory,
The hieroglyphick of true monarchy;
But since (my lord) like Cæsar, you improve
A government divided with great Jove,
My laurel at your footstool I submit,
And lay my sceptre at his royal feet.

The Third Pageant.

The Ship Perseus and Andromeda, from the Levant, inward-bound.

As a further mark of their bounty, the company have this year added the ship Perseus and Andromeda, inward-bound, from the Levant, laden with spices, silks, furs,

sables, pathers, and all manner of beasts skins, hanging in the shrouds and rigging. This ship is peculiarly attributed to the lord mayor, as a proper emblem and characteristick of his way of traffick and adventure, being a Turkey merchant. Nor is the name of Perseus and Andromeda less properly applied, having analogy and respect as well to his lordship as the company: Perseus was the son of Jupiter and Danae; Mercury gave him wings, that is, sails, with which he mounts his Pegasus, that is, his ship, wherein he slew the Gorgons, Medusa, Sthenio, and Euryole. He cut off Medusa's head, whose hair were serpents, the emblem of envy, and placed it in his shield. This is peculiarly adapted to his lordship, who has overcome his malicious enemies, and this day rides in triumph over them. Minerva gives him a golden shield, covered with a goat's skin, called Ægis, which is an hieroglyphick of the company's. He rescues Andromeda from the sea-monster: The moral is, the Church, from the deluge that was ready to overflow it. How applicable this is to the present revolutions of this year will need no comment to explain.

This ship has on board it a jolly brave captain, mates, gunner and his mate, boatswain, pilot, besides the ship's crew, continually toping, bousing, and carousing; who, for joy of coming into England, having the pot or quarter-can continually at their noses, get merry with drinking their majesty's and his lordship's health, discharging a cannon at every round: The boatswain giving the signal with his whistle, three great huzzas are given, and the health is renewed with a cannon, as before, and a bowl of punch.

Boatswain—Sixty fathoms and an half; ho; helm-a-lee; starboard; hard a port; thus, keep her thus; there, there, fall not off, brave boy; well steer'd, pilot, and better con'd; helm-a-lee; this son of a whore, he will overset us; loof, loof, you dog; no near: What a way this lubberly land-crab has made us; steady, steady; larboard; there she scuds away.

The Mariner's Song.

Captain. Now, boys, our voyage is out,
And we are richly fraught,
While fools do stay
At home and play,
We trace the world about.
Pilot. Wou'd I were in close harbour,
From noise of port and larbor.
Boatswain. Thou'dst run a-head
With Jenny in bed,
And anchor in her harbour.
Pilot. But if she shou'd not come to it;
If she shou'd not come to it;
Boatswain. If she has a rudder,
As well as her mother,
I'll warrant thee, boy, she will do it.
Boatswain. Sixteen fathom and a quarter, master, port.
Captain. Haul in your main braces, down with your anchor, and lower your topsail to the royal sovereign of London.

The Captain's Speech.

Through storms and tempests I am here arrived,
Fierce as your foes against your life contrived.
The seas, the winds, our ruin did conspire;
Their tumults, torrents, their hot brains a-fire.
A thirst of ruling over judge and bench,
Which nothing but an Holland draught could quench.
To trade to Turkey we in vain had sail'd,
If Mahomet in England had prevail'd;
Or the most christian sultan nearer home,
By sly intrigue had made her slave to Rome.
But, thanks to Providence, the storm is o'er,
And we once more arrived on native shore:
We boast not of the riches brought from far;
Virtue, not riches, must support the chair;
Justice and Peace your pilots be, to steer
A steady course through the ensuing year.

The Fourth Pageant.

This is a scene of mirth and jollity, and called the Company's Pageant; in which are various strange figures and shapes, lively representing their mystery and occupation. It is a spacious wilderness, in which are planted all sorts of trees, bushes, shrubs, brambles, thickets, and groves. In the former part the orange-tree, with its fruit flourishing in their prime. This wilderness is haunted and inhabited with all manner of wild beasts and birds, of various shapes and colours, even to beasts of prey, as wolves, bears, panthers, leopards, sables, and beavers, even to dogs, cats, foxes, and rabbits: which, tossed up now and then into a balcony, fall oft upon the company's heads; and by them tossed again into the crowd, affords great diversion. With these, several oranges of the trees which are planted at every corner of the wilderness, which is no less divertive.

In the rear of this wilderness is erected a spacious triumphal arch, the banisters richly gilded, all the columns adorned with ensigns of their majesties, the city, his lordship, and the company. About the column, under the lord mayor's coat, is painted this inscription, in capital letters,

DEPRESSUS SURGO.

In the front of this triumphal arch, which is of the first and Tuscan order, sits Amphion, playing upon an hautboy, with two dryades, or wood-nymphs, one on each hand; these wood-nymphs seeming to be charmed with his musick, whose melodious harmony likewise allays the fury of the wild beasts, who are continually moving, dancing, curvetting, and tumbling to the musick, whilst the birds are chanting their wild notes amongst the trees in every grove and thicket.

These dryades are habited alike, of a brown and tawny complexion, hair thick and long, hanging loose over their shoulders, and their attire of a dark green.

Amphion, a young man of a ruddy complexion, in a robe of crimson velvet; on his head a coronet of red and white flowers, with his hautboy in his hand, making his obeisance, expresses the charms of his melodious harmony in this short speech;

Amphion's Speech.

In this wild haunted wilderness you see
The powerful effects of harmony;
This harmony (my lord) doth represent
Union, which is the soul of government:
London's a den where savage beasts do lurk;
Keep them in concord, and you do your work.

This being the last pageant, placed at the end of King-Street, his lordship moves to Guild-hall, where he is ready to receive their majesties, who come attended with the city's royal regiment of horse, the trumpeters coats of crimson velvet, laced down with silver and gold lace; the trumpets made with silver, and several damask standards and banners, very richly embroidered, with kettle-drums. While their majesties are at dinner, they are entertained with the following song.

A Song to their Majesties in Guild-Hall.

I.

How great are the blessings of government made
By the excellent rule of our prince,
Who, while troubles and cares do his pleasures invade,
To his people all joys does dispense;
And while he for us is still caring and thinking,
We have nothing to mind but our shops and our trade,
And then to divert us with drinking,
And then to divert us with feasting and drinking.

CHORUS.

From him we derive all our pleasures, our pleasures, and wealth;
Then fill me a glass, nay, fill it up, fill it up higher;
My soul is athirst for their majesties health,
And an ocean of drink cannot quench my desire:
Since all we enjoy to his bounty we owe,
'Tis fit all our bumpers like that should o'erflow,
'Tis fit all our bumpers, 'tis fit all our bumpers
Like that should o'er-flow.

II.

Then whilst in a concert the minstrels do play,
Let a health to great Cæsar go round,
He who crowns with his presence the state of the day,
Whom all conquering laurels have crown'd.
And whilst we enjoy the inestimate blessing,
The extent of our freedom, each man his own way,
Let's shew it in thankful caressing,
Let's shew it in thankful, in thankful caressing.

CHORUS.

From him we derive all our pleasures, our pleasures, and wealth,
Then fill me a glass ——— &c.

A Song to the Lord Mayor and Company.

I.

Come, boys, drink an health to the chiefs of the city,
The loyal lord mayor, and the legal committee.
The imperial city this year that with you
Hath restored us our lives, and our liberties too.

II.

With justice, and peace, may it ever be floating,
May the heads that support it agree in their voting;
May a strong tide of union still flow in your hall,
And no sea of faction e'er beat down your wall.

III.

A health to the dons of the company's table,
Crown every bumper with ermin and sable,
If ermin's the emblem of honour, then you,
As well as their lordships, are dignify'd too.

IV.

From heats and contentions for ever be free,
Let city and court make one harmony.
May never more discord amongst you be found,
But one loyal bumper for ever go round.

About the middle of dinner their majesties health is begun, all the hall echoing with huzzas and loud acclamations. His majesty, in requital, begins his lordship's health, which is answered with as loud acclamations as before; the kettle-drums and trumpets, after the other music, beating and sounding in their turns.

The songs done, and dinner over, their majesties return back to Whitehall in the same state and order they came, having an entire regiment of foot-guards before the coach, led by the right honourable the Lord Sidney, the guards of horse behind, with a lane of the train-bands of the city on each side to Temple-bar, from thence by the liberties of Westminster to Charing-Cross, a lane on each side the streets. The lord mayor returns to Skinners-Hall, where all the silk-works, banners, and flags of the company are lodged; the rest of the companies to their respective habitations.

Also the famous artillery company, that this day attended on his lordship, marched off in order at the same time.

The painters and managers of the pageants, with the speakers and children, having performed their parts with satisfaction and applause, repair to refresh themselves, having sat all day in their appointed postures and attire.

I will conclude with the motto of the right worshipful company, who have so generously contributed, and unanimously gone through the cost and trouble of the day.

Soli Deo Gloria.

A Description of the most glorious and most magnificent Arches erected at the Hague, for the Reception of William the Third, King of Great Britain; with all the Mottoes and Latin Inscriptions that were written upon every one of the said Arches. Translated into English from the Dutch.

These rejoicings were made on King William's first journey to Holland after he had accomplished the Revolution.

His majesty William the Third of Great Britain, having made his voyage into Holland, and being arrived at the Hague, the most noble and most high the estates of Holland and West-Friesland, as well as the honourable magistrates of the Hague, gave orders to prepare for a reception correspondent to the majesty of so glorious and so excellent a monarch. To which purpose their high and mighty lordships, among other things, have erected one triumphal arch, and the magistrates two more, to be set, one in the piazza, called Buyton-Hoff, the other in the public piazza, and the third in the market place of the Hague; the figure and structure of which, together with the Latin inscriptions which adorn them, are as follow.

That which was set up at the Buyton-Hoff was a triumphal arch, of a most curious Italian architecture, the order compounded Dorick, having three open gates, that of the middle being the highest of all, supported backwards and forwards upon eight pillars, underneath upon large basements, separated from the body of the work.

Upon every one of those basements, stand two of the said pillars, with a cupolo of eight faces upon the said overture: In the middle of which cupolo appears a pedestal, upon which is represented his majesty on horseback, both figures costly gilded. To the horses, on each side are tied two slaves, or statues, of a brass colour, prostrate and grovelling, and the whole work is coloured, as if it were of free-stone; between the pillars, and upon each side, inward and outward, the spaces are filled with pictures, comprehending some historical representation, and hieroglyphical figure, relating to the life and glorious actions of his majesty. At the frontispiece of that stately arch, and upon the fore-mentioned pillars, as well backwards as forwards, and at each side, are placed in the same order, eight statues of both sexes together, to the height and bigness of the life. In that part of the arch, which faceth the end of the town, upon a very high pedestal, set above all, on both sides of the round pieces that cover the work, is erected a Neptune, lying down with his trident in his hand, with this motto underneath:

Triumphet in Undis. Let him triumph upon the seas.

At the other side of the arch that looks towards the street, commonly called Cingel, upon a like pedestal, a ploughman with a spade in his hand, with this motto underneath:

Attingat Solium Jovis. Let him reach to Jupiter's throne.

Round about the cupolo is written the following inscription:

" Pio, felici, inclyto, Gulielmo tertio, triumphanti patriæ patri, gubernatori, *P. C. I. P.* restauratori Belgii fœderati, liberatori Angliæ, servatori Scotiæ, pacificatori Hibernæi, reduci."

To the pious, happy, renowned William the Third, the triumphant father of his country, governor, stadtholder, and restorer of the United Netherlands, England's liberator, Scotland's preserver, Ireland's pacificator, now returned.

Upon the frontispiece, underneath the statues above-mentioned on the side of the Buyton-Hoff, are these following inscriptions:

In the first place,

" Post maximas res domi forisque gestas, arctissimo cum principibus icto fœdere, suorum vindex, defensor oppressorum."

After great things done at home and abroad, as having made a strict league with the princes, the revenger of his subjects wrongs, and defender of the oppressed.

Underneath that, and upon a large picture, there is a little table upon which are represented several armed men, fighting a dragon, with this motto:

Uniti fortius obstant. Being united, they make a stronger opposition.

In the second hollow seat this motto:

" Mare transvectus liberat Britanniam, et late dominantibus ornatus sceptris in patriam publicâ cum lætitiâ receptus est."

Being passed beyond sea, he has rescued Great Britain, and being adorned with sceptres of a vast extended power, he has been received in his own country with all the demonstrations of public joy.

In the table underneath is represented a balance with two scales, in one of which are several crowns, and in the other a sword, the sword out-weighing the crowns, with these words:

Præmia non æquant. Rewards are not answerable to merit.

In the third hollow seat this motto:

" Lugente patriâ mœrente Europâ, afflictâ antiquissimâ Nassoviorum stirpe, heroum, imperatorum, principum fœcundâ."

Our country mourning and bewailing, Europe in tears, the most ancient family of Nassau, fertile and producing heroes, emperors, and princes afflicted.

In a table underneath is represented a Phœnix burning, with this sentence:

Prælucet posthuma proles: Born after his father's death, shines so much the more

In the fourth hollow nich,

"Gulielmum posthumum, Britannorum Arausionensiumque tertium, patriæ spem, reipublicæ palladium."

William, born after his father's death, the third of Great Britain, and of Orange, the hope of his own country, and the support of the commonwealth.

In a table underneath is represented a sceptre and three crowns, with this motto:

Tenues ornant diademata cunæ. Tender age an ornament to diadems.

On the backside of the said arch, towards the palace, are also four hollow niches in the frontispiece, with the following inscriptions:

In the first hollow nich,

" Fatum, Europæ favens, dedit de cœlo, futuram portendens majestatem admodum puerum exemplar constituit."

Fate, favourable to Europe, has bestowed him from Heaven, and portending his future majesty, fixed him for an example, when he was but very young.

As on the other side, above a large picture, there is a little table, upon which is represented a young eagle flying upwards against the rising of the sun, with this motto, *Tener adversis enititur alis.* Young and tender as he is, he strives with all the force of his wings against the wind.

In the second, "Qui juventute strenuè transactâ, funestis jactatâ bellis ac dissidiis in tanto rerum discrimine." Who, having spent his youth in many hardships, tossed with funest wars and seditions, in so much hazard, vanquished all before him.

In the table underneath is represented a castle upon a hill, at the foot of which is a javelin planted, from which spring up two branches of laurel, with these words, *Contorta triumphos portendit.* Darted forth, it presages triumphs.

In the third, "Nutantis Belgii, qua mari, qua terra admotus, in pristinum decus gubernaculi, gloriam, aras et focos asseruit." The Netherlands tottering, and he made chief commander by sea and land, has re-established the government in its first lustre, conserved our religion, and secured the people.

In the table underneath is a boat with some armed men in it, who row it forward, with this inscription, *Alter erit Tethys.* There will be another Tethys.

In the fourth hollow seat, "Meritis famam superantibus trophæis, principi atavis regibus editæ, felicibus junctis hymenæis." His merited triumphs surmounting Fame itself, more glorious still by happy marriage with a princess born of royal ancestors.

In the table underneath, are an unicorn and a lion, going side by side, the unicorn thrusting with his horn a heap of serpents and vipers, with these words, *Virusque fugant viresque repellunt,* They drive away the venom and repel the force of it.

On the one side of the pedestal, where is the king on horseback, are these words written, *Populi salus.* The people's welfare. *Procerum decus.* The glory of the states.

Within the arch's ceiling are four different historical representations, in four tables separated one from another, and each of them has an inscription: That of the first table is, *Refert saturnia regna.* He reviveth the golden age.

In the second table, *Novos orbos nova sceptra paramus.* We are preparing for new worlds and new sceptres.

In the third, *Superare et parcere vestrum est.* Your part is to overcome and to forgive.

In the fourth, *Cætera transibunt.* All other things are transitory.

The arch itself is adorned both before and behind, and at the top of the afore-mentioned overtures, you see the arms of England, and the supporters withal; and of the large overture, both behind and before, the arms of Holland, and two flying Fames at each side of them, blowing their trumpets.

The Description of the Arch in the Publick Piazza.

This triumphal arch is, as the other, of a very fine and stately architecture, with pillars coloured like marble, red and white, and the rest of the body of the work of marble, black and white; the basis and the chapter gilded, with four great pictures, two behind, and two before, set between the fore-mentioned pillars, drawn in lively colours; the two that are foremost, representing a battle of the Romans by sea and land; and the two that are behind, one representing War, and the other Peace; War, with a flaming world, near which, several persons represented, some dead, and some alive, make Justice lie down in distress. Peace, with a world, upon which Justice and Peace standing, embrace one another, and by them is the god Pan, and his companions, making themselves merry with some fruits of the earth. At the upper part of the arch in the mid-

dle, is a pedestal, upon which is the king on horseback, as big as the life, brass-like, with this motto:

Regi triumphanti.
To the triumphant king.

Above the king on horseback are erected two wreaths, crossing and covering his head, adorned with green, and above it a royal crown, with the sceptres, and a cross underneath.

On each side of the arch are two squares, wherein are set, both behind and before, transparent pictures, wrought upon silk, which were lighted in the evening, and shewed on one side a cloud, and a pillar of fire on the other, the corners being adorned with green. At the gilded frize of the arch, are written these words:

Soloque Saloque.
By Land and Sea.
In reprimendâ tyrannide et restituendâ sæculi felicitate.
In repressing tyranny, and restoring the felicity of the age.

And on each side of the aforesaid frize are these inscriptions:

On the right, *Heroibus priori.* To him that excels the heroes.

And on the left side, *Antiquis Majori.* To him who is greater than any of the ancients.

On each side of the forementioned pedestal, upon which is the king on horseback, are two gilded armours, and two covered with silver, adorned with feathers, and some trophies besides; England's coat of arms before, and the king's cypher behind.

The said arch has, on every side, two wings, in which are represented the histories of Hercules, Perseus, Phaeton, and Andromeda's deliverance, with four escutcheons of the four kingdoms, England, Scotland, France, and Ireland.

Underneath, round about the said arch, are these words: *Sceptris exercitibus, classibus, votis.* Behind, *Augusto, armato, parato, recepto.* Which must be read thus: *Augusto sceptris, armato exercitibus, parato classibus, recepto votis.*

Honoured with sceptres, armed with armies, provided with fleets, and received with acclamations.

On each side of the arch are two pictures, one representing Europe distressed, and the other, Neptune ravishing, with the motto: *Eripe raptori miseram;* Snatch the wretched from the ravisher. The other, *Mea jura tuere,* Defend my right.

Above the door of the arch these words are written: *Haga posuit conss. decreto.* The town of the Hague has erected this arch by the decree of the magistrates.

The Description of the stately Arch erected at the great Market-Place.

This arch is the highest of all, without any pillars in relief. However, it is filled with very large pictures of a greyish colour, of which, two, that are upon the door, are drawn upon silk, to be transparent by torch-light in the evening. Upon that arch is a rainbow, with three crowns, seeming to hang in the air. There is besides upon that arch, a sphere, and upon it a flying Fame with her trumpet, and the horse Pegasus running by her, and some trophies on every corner of each side. On the backside of the said arch, is seen the imperial coat of arms of Nassau, that of the emperor Adolphus of the family of Nassau, with the eight quarters on every side. Round about the fore-mentioned arch are these following inscriptions:

Nobilium Primo, Ducum Maximo, posthumo Gulielmo tertio, Cæltus dato. To the first of noble heroes, to the greatest of generals, William the Third, a *posthumus,* the gift

of heaven. Above the pictures, on the backside, *Victoriis, trophæis, fortissimo imperatori, cautissimo gubernatori, destinatis.* Erected to the victories and trophies designed for a most strenuous leader and prudent commander.

Underneath, at the bottom of the arch, upon one side, *Quatuor regnorum regi, fœderati Belgii gubernatori, Gulielmo tertio, virtute et triumphis fulgenti.* For William the Third, king of four kingdoms, governor of the United Provinces, shining with virtues and triumphs.

On the other side, *Grati animi et letitiæ publicæ signum hoc erexit Haga comitis.* The Hague has erected this as a testimony of public joy and gratitude.

On each side of the arch are two wings, composing together a half circle, and in each of those wings are seven pictures, representing the battles and victories of the precedent Princes of Orange, by sea and land, each picture having its motto: Upon the first of the right wing, *Patientia læsa furor fit.* Patience exasperated turns to fury.

Upon the second, *Res poscit opem et conspirit amicè.* The matter requires aid and friendly confederacy.

Upon the third, *Per tela, per undas.* Through darts and waves.

Upon the fourth, *Audentes Deus ipse juvat.* God himself assists the courageous.

Upon the fifth, *Tantas dedit unio vires.* Such is the force of union.

Upon the sixth, *Aquilas et mœnia cepit.* Nor walls nor armies can resist him.

Upon the seventh, *Celsas superas virtute carinas.* Your valour masters the tallest navies.

Upon the first of the left wing, *Repetenda quiescunt arma virûm.* Armies laid aside are again to be taken in hand.

Upon the second, *Non uno virtus contenta triumpho.* Valour not satisfied with a single triumph.

Upon the third, *Crescunt numero, crescente trophæâ.* Number increasing, the trophies increase.

Upon the fourth, *Cæsorum replebant funera campos.* The funerals of the dead filled up the fields.

Upon the fifth, *Ultra Garamantas et Indos.* Farther than the Garamantes and the Indies.

Upon the sixth, *Fortis promissa juventas.* The promises of a courageous youth.

Upon the seventh, *Deos in prælia confert.* He consults the gods before he goes to battle.

In the middle of every one of those wings are two pyramids, one at each side, upon their pedestals, which support a picture with this inscription: Upon that of the right hand, *Hanc accipe, magne, coronam.* Great hero, accept this crown. Upon that of the left hand, *Thure tuo redolent aræ.* Your incense perfumes the altar.

The same pyramids have each in the front three transparent pictures, comprehending either a hieroglyphical figure, or some trophy or cypher, being adorned on the sides with green. Upon one of those pyramids the king, and the queen upon the other, are set to the bigness of the life.

Upon that of the king is this inscription, *Quis gratior appulit oris?* Who e'er arrived more welcome to our shore?

Upon that of the queen, *Reprimit et refigit.* She represses and re-establishes.

Upon the border of the wings are, in their order, the first four Princes of Orange between two trophies.

Under the effigies of William the First, *Patriæ liberatori.* To his country's liberator.

Under that of Prince Maurice, *Gloriæ vindici.* To glory's vindicator.

Upon that of Prince Frederick Henry, *Libertatis assertori.* To our liberty's defender.

Under that of Prince William the Second, *Publicæ felicitatis statori.* To the conservator of our public felicity.

Above the opening of the arch before is the escutcheon of the Hague, with these words underneath, *Hic incunabula divûm.* Behold the cradles of the gods!

Before the town house of the Hague are seven pictures transparent for a light. In the highest range are placed in the middle, the representations of the king and queen; and on each side two hieroglyphical figures, one representing a lion with this motto, *Placidum venerantur, et horrent infestum.* They venerate the moderate, and abhor the tyrant.

On the other an unicorn thrusting with his horn some serpents, with this inscription, *Nil passa veneni.* Enduring nothing venomous.

At the order underneath it contains three symbols more: The first representing a crane sitting upon her nest, and clapping her wings at the rising sun, with these words, *Recreatur ab ortu.* Revived by the rising sun.

The second represents Atlas upholding the world upon his shoulders, and stooping under the weight, and resting upon a mountain, with this inscription, *In te domus inclinata recumbit.* Upon thee the falling mansion leans.

The third represents a crane resting in her nest, and clapping her wings at the rising sun, with this motto, *Vidit et exultavit.* She saw and rejoiced.

By the town-house in the public place of execution, is a tree like a maypole, surrounded with arms in four rows one above another for torch-light.

The arch of the bridge, commonly called the Loosduyn, has been coloured with a representation of a man and a woman at an altar, upon which is the king's effigies with a staff in his hand, upon which staff his majesty's name is written, with a crown, and these words underneath, *Io triumphator!* All hail triumpher!

Upon the two pillars of the said arch of the bridge, are these following inscriptions, *Ob cives servatos, et hostes fugatos.* For citizens preserved, and enemies put to flight.

The other side of the arch, *Ob liberata regna et restitutas provincias.* For the kingdom rescued, and provinces restored.

Behind are two ovals besides, in one of which is represented a laurel, and underneath the word *Victoriæ.* To victory.

On the other an orange tree with the word *Clementiæ.* To clemency.

I add here, for the conclusion, that in the middle of the pond of the palace was erected a great scaffold, upon which was set the cypher of his majesty's name with a royal crown above, which was shewn by torch-light, without mentioning many other curious and artful lights in several other places; besides the firing of thirty great guns that were planted by the said pond, and frequently discharged, as occasion and the design required.

Reasons for passing a Bill in Parliament, to erect Three Courts of Conscience, in the Three several Divisions hereafter named, being within the Bills of Mortality, and without the City of London, and the Liberties thereof; for Relief of poor Debtors and Creditors, under the Value of Forty Shillings, to prevent vexatious and chargeable Arrests and Suits at Law.

[The two following papers are at least fifty years old, but were printed without dates.]

First, The division of the borough of Southwark, with the parishes in the county of Surrey, mentioned in the bills of mortality.

Secondly, The division of the hamlets of the Tower Liberty, with the parishes in the bills of mortality, contained within the hamlets of the Tower Liberty.

Thirdly, The division called Holborn division, consisting of the remaining parishes, and part of parishes in Middlesex (not comprehending Westminster, nor the liberties thereof) likewise mentioned in the bills of mortality.

The Court of Conscience for the city of London was first erected by an act of common council of the said city, in the nineteenth year of King Henry the Eighth.

The said court being found to be good and charitable, of great ease and benefit both to the poor debtors and creditors, as also much tending to the quiet and welfare of the city, and encouragement of trade, was, in the first and third years of King James the First, established by parliament; still limiting and confining the jurisdiction of the said court to the citizens and freemen of the city of London, and other persons that inhabit, or shall inhabit, within the said city, or the liberties thereof, being a tradesman, victualler, or labourer. Nor did the jurisdiction of the said Court of Conscience ever yet extend further than the city of London and the liberties thereof.

That the borough of Southwark, and the out-parishes within the bills of mortality, are of late years vastly increased in buildings and inhabitants; and abound in poor tradesmen, artificers, labourers, victuallers, and others, far exceeding the city of London and the liberties thereof; who, for want of the like good establishment of a court or courts of conscience amongst them, are exposed to many and great inconveniences, tending to the impoverishment and ruin of themselves and families. As,

Many vexatious suits are daily commenced for inconsiderable sums, and through extremity of poverty, usual exactions, the implacability of adversaries, frequent imprisonments, and costs of suit, &c. they are often put to six times more charges than the debt was; whereby many families are left to the parish, the prisons filled with poor helpless men and women, sicknesses contracted, and trade in a great measure hindered.

All which, a salutary act for the Courts of Conscience or Request abovementioned, might in a good part prevent, as hath been experienced in the city of London, and liberties thereof, during the long time the like court hath been there holden. Which is humbly submitted to the prudence of this present parliament.

Reasons against the Bill for erecting Courts of Conscience.

I. As to the matter of the act, it takes away (as to the causes mentioned in the act) the ancient trials by jury, and gives an arbitrary power to the commissioners to hear and determine finally, without any appeal from them to any judicature whatever; and great inconveniences must ensue by giving an absolute power to the commissioners to dispose of all debts under forty shillings, and all damages done to any, either in reputation by words, or in person by blows under the like sum, at their sole wills and pleasures, and takes from every man his birth-right to the ancient law of the lands.

II. Parliaments have been ever very careful to maintain the ancient law in its fundamentals (of which trials by jury is a chief one) and therefore it was once the answer of a parliament upon almost the like occasion, *Nolumus mutare leges Angliæ.*

III. Causes under forty shillings are properly triable in inferior courts, as courts barons, &c. This act destroys all those courts, and takes the power out of persons of quality, that are lords of manors, and vests it in shop-keepers; so that if a lord of a manor (within his jurisdiction) have a contest for debt under forty shillings with another person, he must apply himself to a company of shop-keepers for relief, and make them his judges; who, by the common law, had a court belonging to his manor, where causes were properly triable.

IV. Justices shall not take assizes in their own country, prohibited by statute law, because of the favour they may use to their acquaintances: This law, just contrary to the reason of that statute, gives a jurisdiction to persons over their neighbours, and whether it be not likely that partiality may prevail.

V. Suppose some of the persons to be named commissioners, should be indebted to their neighbours in sums of money under forty shillings, those to whom they are debtors are absolutely without remedy; for either they must be judges in their own cases (which is not to be supposed the statute does intend) or else they are exempt from paying for the time they are judges, not suable elsewhere. Put likewise the case, that several persons should be indebted to the commissioners under forty shillings, they by being made commissioners are disabled to recover their debts for the reasons aforesaid. The same inconvenience will be in case of words or blows.

Now as to the design of the act, to hinder the expending of great costs and charges at law for small debts, 1. As to that, the law has provided already inferior courts, where the charges are but small, and the recovery quick and easy; and if the defendant (upon the first summons or notice of a suit against him) tenders to the plaintiff what is justly due to him; if the plaintiff refuses to accept of it, but will (notwithstanding such tender) wilfully proceed, it shall be at the plaintiff's own costs and charges by the course and practice of the said courts; and in case poor persons do either sue or be sued there, they are admitted *in forma pauperis,* and pay no fees at all.

VI. The common law of England was always extreme careful to preserve the king's peace, and therefore was very careful to give remedies against the breakers of it, which are all taken away by this act.

Equal difficulty in a cause of forty shillings or forty pounds, yet left to the decision of unlearned men.

If it be objected, that juries are always of the neighbourhood, which the common law appoints. For answer, 1. In case of a jury, either plaintiff or defendant has his lawful challenge. 2. If they go against their evidence or against the law, an attaint lies against them, upon which the wronged party is restored. 3. New trials are given after ill verdicts by the court; but to these commissioners, no challenge lies beforehand, nor attaint after, nor from their judgment is there any appeal.

Suppose two of the king's menial servants, (being inhabitants within the jurisdiction given by this act) should have a contest in contracts under forty shillings, they must be forced to submit to the judgment of tradesmen, and not have the liberty left them to sue in the king's particular court of his own household, appointed for his own servants; as ancient as any court in England.

In case of arbitrement, where shopkeepers are chosen judges, it is observable, how zealous each person is for his friend, particular acquaintance, and customer, even beyond equity and reason; and it is to be hoped, they will prove more moderate when they are nominated by any other means, than by the joint consent of the parties submitting.

How far forth special arguments bind, and upon what considerations promises for the payment of money are obliging, is a very nice point of the law. As also, how far forth, and in what particular cases a man may break the peace, either in defence of himself, his house, and goods, &c. is a matter of difficult judgment, even to those that are learned in the law, and therefore the judges constituted in this court of conscience, being for the most part ordinary tradesmen, cannot be supposed to be knowing in it, or able for it.

The like difficulties will arise in the determination of complaints for scandalous words; for what words are actionable, and what not, cannot be known, without being acquainted and versed, not only in the common law, or statute law, but also the ecclesiastical laws of this kingdom. Therefore,

From hence it must follow, that many errors must of necessity be in the decrees of this judicature, and yet from such decrees there is no appeal.

It seems to be no good answer to say, that the decrees of this judicature, are but for small debts, and trifling batteries and words, in as much as justice is equally abused and transgressed in great as small things, though the losses sustained vary.

This judicature is impowered to examine and determine upon the oaths of the parties themselves, as well as witnesses, (not allowable by our laws) which will cause frequent perjuries amongst poor people, who will be enticed to forswear themselves in batteries and words, not only to enrich their pockets, but also to gratify their revenge and anger.

This judicature will cause dissension in the neighbourhood where practised, for tradesmen being made judges over tradesmen, and every man thinking best of his own cause, will certainly blame their neighbours that give judgment against them, which will breed ill blood and heart-burnings amongst them.

Breaches of the public peace by assaulting others unjustly, or maliciously scandalizing others by false malicious words, are very great crimes, and wilful acts in those that are guilty of them, and therefore ought to be punished by most severe laws, and not encouraged by making their punishments light or easy, for that will introduce a more frequent practice of them both.

This arbitrary proceeding, contrary to the law, and Magna Charta, (being the subjects birthright) will bar the subject of the benefit of other good laws, and most especially of the statute of limitations, made 21 *Jacobi*, and revive old antiquated controversies, which that law hath buried in oblivion. Who knows where this will end, if once the fence be broken, and a breach made in ths strong wall of safety, which guards our lives, good names, and estates, from the violnce of the multitude. The breach is

easier widened, than it was at first made; and though it begins with actions under forty shillings, it may quickly increase to five pound or more, &c. The subjects right is not more or less, according to the *quantum* of the sum; but he hath the same right to any sum under forty shillings due to him, as to any above: And he is as much de prived of his right, when he is denied to sue at law for the one as for the other.

Some short Remarks upon Mr Locke's Book, in Answer to Mr Lounds, and several other Books and Pamphlets concerning Coin. By Sir Richard Temple, Knight of the Bath, and Baronet. 1696.

The celebrated Locke having been consulted by government upon the wretched state of the silver coinage in England, he took the opportunity of publishing two tracts, the first entitled, "Some Observations upon a printed Paper, entitled, *A Proposal for encouraging the Coining of Silver Money in England, and after for keeping it there,* and the second, *Farther Observations concerning raising the Value of Money, wherein Mr Lounds' Arguments for it in his late Report concerning an Essay for the Amendment of the Silver Coin are particularly examined.* In both these treatises, Locke combats any advance in the denomination of the coin, and recommends adhering to the old standard. The subject has always been a feverish one in a mercantile country, and Locke's tracts gave rise to so many answers as well as to so much correspondence, as almost exhausted the patience of the great philosopher, and made him half rejoice in the discovery of the plot against government, which happened opportunely to divert the public attention. *See a Letter to M. Molyneux in his Familiar Letters,* p. 142.

Although Mr Locke, by all his writings, hath justly acquired the character of a very ingenious person, yet, without detracting from his merit, in this late discourse of his, he hath fallen into the error which often attends those who write upon subjects of which they have no practical knowledge or experience, to frame notions, and lay down suppositions, which are either false or fallacious, of which my present design is only to give a short specimen, having not the leisure, as yet, to pursue so large a discourse.

First, That an ounce of silver is of equal value to an ounce of silver of the same weight and fineness, admits of no dispute; but that an ounce of silver will buy an ounce of silver of the like fineness, is an absurd proposition, since there is no occasion for any barter or exchange.

Secondly, That the intrinsick value of silver is the true instrument and measure of commerce, is partly true and partly false; for the money of every country, and not the ounce of silver, or the intrinsick value, is the instrument and measure of commerce there, according to its denomination, and the standard of the coin of each nation is very different, and does often vary, according to time, place, and circumstances: Nor are the commodities of any country bought by foreign coin or bullion, of the makers, or first venders, but by the coin of the country, and is therefore bought by commodities; they are first invested into the money of the country; or if by foreign coin or bullion, it must be also converted into the coin of the place, before it can be useful for barter; and the merchant or goldsmith will gain something to reduce it to the coin of the country, unless the matter be transacted by bills of exchange, in which they

endeavour, as much as may be, to make a par between the money of each country, according to the intrinsick value; and hence comes the necessity and use of exchange. Nevertheless, that intrinsick value is governed by the value of bullion in each country at that time, which varies, as other commodities do, and other circumstances.

Thirdly, Bullion is a commodity, and has no certain universal stated price or value agreed upon by mankind, as he supposes, but varies in every age or nation, according to the scarcity, plenty, or use of it: Notwithstanding it must be allowed, that the silver coming wholly from the West-Indies, the price of it does govern the value in all Europe; nor does it vary so much as other commodities do, unless there be some extraordinary accident of interrupting the trade to those parts, by reason of war, &c. or by the increase of the demand of it in Europe, or in some particular nations thereof, and therefore is the fittest to be the material for the instrument and measure of commerce, viz. money.

Fourthly, Against his assertion, that advancing the denomination, or lessening the weight or fineness of our coin, would be a loss of so much to the landed men in their rents, and the creditors in their debts, at least as to all bargains already made, I offer to consideration, That nothing is more evident, than that such a change can have no such effect or consequence upon any thing at home, but only exchange and commerce abroad; for proof whereof, I shall appeal to the historical part of Mr Lounds' book, as to the frequent alteration of the standard in weight, fineness, and denomination here; which is yet much more practised in other neighbouring nations, as I could easily demonstrate, the standard of whose coin is much below ours, and who have also great quantities of coin of base alloy current among them, which they have never thought fit to change, even in the times of the greatest wealth or plenty among them, for the ease of commerce at home, and augmenting the species of money.

Fifthly, In the next place, it is as evident, that whatever the value of the coin be, more or less, it will have the same effect according to the price current of it, as to our home commerce; for instance, if our shilling be above the standard of all other nations, and worth thirteen-pence abroad, as it has been for many years, yet without melting or exporting, or by way of exchange, it will purchase no more than a clipped shilling, or twelve-pence in halfpence or farthings; and while our clipped money passed, and no discountenance put upon it, we found no such rise of commodities, or fall of our rents, or damage to the subject in taking it; nor has it the same influence now, as to any commodities that are not for foreign consumption; since corn, flesh, &c. have risen or fallen according to the scarcity, plenty, or vent, and not according to the value, but denomination of money, for these three years last past, before the project of re-coining our money was set on foot, which possibly hath of late made some alteration in these commodities also. This indeed must be allowed, that when the standard of coin was by public authority, for perpetuity, altered from twenty-pence to sixty-two in point of denomination, but not in weight or fineness, between the time of Edward III. and Queen Elizabeth, by degrees the price of commodities and rents did advance; but the ounce of silver being generally raised through all the world accordingly, and rather more abroad, by reason of the frequent wars upon the continent; as also that of their being then the principal seats of trade and manufacture, which required greater supplies of silver, there was no loss as to the old rent.

Sixthly, To keep up an old standard under an old denomination, below the value of bullion, is the greatest folly imaginable, and what is not practised in any other nation, for which we have paid dear, and yet are not grown wiser; for it first carried away all our gold, which was very plentiful here in the time of King Charles I. then all our old and broad money, and, lastly, all our milled money, which was as plentiful in King Charles II.'s time; notwithstanding the balance of trade was much on our side, and has put an absolute stop to our mint, as to silver, for many years past, and brought such a

want of the species, that our money was clipt down to above half, and yet not sufficient to keep out a vast quantity of false money to supply the defect. And whereas it has been alledged, that the rise of guineas to thirty shillings hath been by a trick of the goldsmiths, their rise has been naturally necessary, and would have produced no ill effect, could foreign guineas have been kept out; for at highest they were advanced not to a full third, and our other coin, by reason of its clipping, was not indeed worth a moiety in its intrinsic value, and the counterfeit part much less, taken together.

Lastly, Although it were desirable, were we in better circumstances as to the balance of our trade, that our silver money should be kept up in weight and fineness, near the intrinsic value of bullion, or at least the standard of our neighbours coin, yet it ought always to be below, rather than above it, to prevent the exportation of money, instead of commodities, and to bring bullion into the mint; especially since the plenty of the species of money is the only thing that can advance trade, and the value of lands; but as our present circumstances are, there is an absolute necessity that we raise the denomination of our silver, both in respect of gold, and the overbalance of our dealings abroad, if you will have any money at home to support commerce; nor can such an advance hurt us in the least, since at worst abroad they will only take their measures according to the intrinsic value, or rather the standard of their own coin; and if they raise their commodities proportionably, it will bring us a double benefit, to discourage the consumption (whereof we are too prodigal) and encourage the advance and consumption of our own commodities, and keep our money at home, which will be the least thing carried out, when it will pass for more here than there.

As for guineas, the fall of them was not only unnecessary, but highly prejudicial to the kingdom; first, because guineas have bought up all the silver money that was left in the country, and consequently left us no other coin to carry on trade and subsistence; and, after the raising of seven millions, will be a tax of eight shillings and six-pence upon the subjects, and the plenty of silver money is the only thing that will reduce them gradually.

To conclude, as to our foreign commerce, the price of our commodities were raised accordingly, and therefore could not hurt us; now if guineas fall, all commodities must fall, and the want of fixing them at a certain price will cause a mighty loss, and interruption in our traffick; and this is certain, that nothing but care of our trade at home, and lessening the expence of our army abroad, by having a free port, altering the quotas of our allies, or capitulating with the Dutch for the payment of the subsistence of our forces in Flanders, can possibly enable us to carry on our war, trade, and home commerce.

Sir Josiah Child's Proposals for the Relief and Employment of the Poor.

Sir Josiah Child, who wrote many essays upon trade and commerce, has here touched upon a subject, which has been always considered as requiring regulation in England. It is, I believe, pretty generally allowed, that those who manage for the poor in England, acquire by their office a sort of importance and patronage, not altogether favourable to the regular and unbiassed discharge of their duty. Whether this inconvenience would be removed by the establishment of such a society as Sir Josiah Child proposes is at least problematical. Of such a body, some

would be idle, some fastidious, and the business would devolve, as at present, upon their clerks and officers. In Scotland, where the heritors of a parish tax themselves for the management of their poor, and are led, for their own sakes, to look closely into the administration of the poor's rates, there are no complaints of the funds being either inadequate or mismanaged, and it has been said that the same beneficial results have followed in consequence of persons of consequence and distinction taking the trouble to enquire personally into the distribution of the poor's rates. It would appear, that the great cause of complaint is to be traced to the system of management, by overseers and other persons of an inferior description, who use the power vested in them for their own selfish purposes.

This is a calm subject, and thwarts no common or private interest amongst us, except that of the common enemy of mankind (the Devil) so I hope that what shall be offered towards the effecting of so universally acceptable a work as this, and the removal of the innumerable inconveniences that do now and have in all ages attended this kingdom through defect of such provision for the poor, will not be ill taken, although the plaster at first essay do not exactly fit the sore.

In the discourse of this subject, I shall first assert some particulars, which I think are agreed by common consent, and from thence take occasion to proceed to what is more doubtful.

1. That our poor in England have always been in a most sad and wretched condition, some famished for want of bread, others starved with cold and nakedness, and many whole families in all the out-parts of cities and great towns, commonly remain in a languishing, nasty, and useless condition; uncomfortable to themselves, and unprofitable to the kingdom: this is confessed and lamented by all men.

2. That very many of our poor, bred up in beggary and laziness, do by that means become not only of unhealthy bodies, and more distempered qualities, but breed many loathsome diseases, whereof very many die in their tender age; and if any of them do arrive to years and strength, they are, by their idle habits contracted in their youth, rendered for ever after indisposed to labour, and serve only to stock the kingdom with thieves and beggars.

3. That if all our impotent poor were provided for, and those of both sexes and all ages, that can do work of any kind, employed, it would redound some hundreds of thousands of pounds per annum to the public advantage.

4. That it is our duty to God and nature so to provide for and employ the poor.

5. That by so doing, one of the great sins (for which this land ought to mourn) would be removed.

6. That our forefathers had pious intentions towards this work, as appears by the many statutes made by them to this purpose.

7. That there are places in the world, wherein the poor are so provided for, and employed, as in Holland, Hamburgh, New England, and others, and, as I am informed, now in the city of Paris.

Thus far we all agree: The first question then that naturally occurs is,

Question, How comes it to pass that in England we do not, nor ever did, comfortably maintain and employ our poor?

The common answers to this question are two:

1. That our laws to this purpose are as good as any in the world, but we fail in the execution.

2. That formerly, in the days of our pious ancestors, the work was done, but now charity is decreased, and that is the reason we see the poor so neglected as now they are.

In both which answers (I humbly conceive) the effect is mistaken for the cause:

For though it cannot be denied, but there hath been, and is a great failure in the execution of those statutes which relate to the poor, yet I say, the cause of that failure hath been occasioned by defect of the laws themselves.

For otherwise, what is the reason that in our late times of confusion and alteration, wherein almost every party in the nation, at one time or other, took their turn at the helm, and all had that compass (those laws) to steer by, and yet none of them could, or ever did, conduct the poor into a harbour of security to them, and profit to the kingdom, *i. e.* none sufficiently maintained the impotent, and employed the indigent amongst us? And if this was never done in any age, nor by any sort of men whatsoever in this kingdom, who had the use of those laws now in force, it seems to me a very strong argument that it never could, nor ever will be done by those laws, and that consequently the defect lies in the laws themselves, not in the men, *i. e.* those that should put them in execution.

As to the second answer to the aforesaid question, wherein want of charity is assigned for another cause why the poor are now so much neglected, I think it is a scandalous, ungrounded accusation of our contemporaries (except in relation to building of churches, which I confess this generation is not so propense to as former have been) for most that I converse with are not so much troubled to part with their money, as how to place it, that it may do good, and not hurt, to the kingdom: For if they give to the beggars in the streets, or at their doors, they fear they may do hurt by encouraging that lazy unprofitable kind of life; and if they give more than their proportions in their respective parishes, that (they say) is but giving to the rich, for the poor are not set on work thereby, nor have they more given them; but only their rich neighbours pay the less. And for what was given in churches to the visited poor, and to such as were impoverished by the fire, we have heard of so many and great abuses of that kind of charity, that most men are under sad discouragements in relation thereunto.

I write not this to divert any man from works of charity of any kind: He that gives to any in want does well, but he that gives to employ and educate the poor, so as to render them useful to the kingdom, in my judgement, doth better.

And here by the way, not to leave men at a loss how to dispose of what God shall incline their hearts to give for the benefit of the poor, I think it not impertinent to propose the hospitals of this city, and poor labouring people that have many children, and make a hard shift to sustain them by their industry, whereof there are multitudes in the out parts of this city, as the best objects of charity at present.

But to return to my purpose, *viz.* To prove that the want of charity likewise that is now, and always hath been, in relation to the poor, proceeds from a defect in our laws. Ask any charitable-minded man, as he goes along the streets of London, viewing the poor, *viz.* boys, girls, men and women of all ages, and many in good health, &c. why he and others do not take care for the setting those poor creatures to work? will he not readily answer, that he wisheth heartily it could be done, though it cost him a great part of his estate, but he is but one man, and can do nothing towards it, giving them money, as hath been said, being but to bring them into a liking and continuance in that way.

The second question then is,

Question 2. Wherein lies the defect of our present laws relating to the poor?

I answer, that there may be many; but I shall here take notice of one only, which I think to be fundamental, and which, until altered, the poor in England can never be well provided for, or employed; and that when the said fundamental error is well amended, it is almost impossible they should lack either work or maintenance.

The said radical error I esteem to be the leaving it to the care of every parish to maintain their own poor only: Upon which follows the shifting off, sending or whip-

ping back the poor wanderers to the place of their birth, or last abode: The practice whereof I have seen many years in London, to signify as much as ever it will, which is just nothing of good to the kingdom in general, or the poor thereof, though it be sometimes by accident to some of them a punishment without effect; I say without effect, because it reforms not the party, nor disposeth the minds of others to obedience, which are the true ends of all punishment.

As for instance; a poor idle person, that will not work, or that nobody will employ in the country, comes up to London to set up a trade of begging; such a person probably may beg up and down the streets seven years, it may be seven and twenty, before any body asketh why she doth so; and if at length she hath the ill hap in some parish to meet with a more vigilant beadle, than one of twenty of them are, all he does is but to lead her the length of five or six houses into another parish; and then concludes, as his masters the parishioners do, that he hath done the part of a most diligent officer: But suppose he should yet go further to the end of his line, which is the end of the law, and the perfect execution of his office; that is, suppose he should carry this poor wretch to a justice of the peace, and he should order the delinquent to be whipt, and sent from parish to parish, to the place of her birth or her first abode, which not one justice of twenty (through pity or other cause) will do, even this is a great charge upon the country, and yet the business of the nation itself wholly undone: For no sooner doth the delinquent arrive at the place assigned, but for shame or idleness she presently deserts it, and wanders directly back, or some other way, hoping for better fortune, whilst the parish to which she is sent, knowing her a lazy, and perhaps a worse qualified person, is as willing to be rid of her as she is to be gone from hence.

If it be here retorted upon me, that by my own confession, much of this mischief happens by the non, or ill execution of the laws, I say better execution than you have seen you must not expect; and there was never a good law made that was not well executed, the fault of the law causing a failure of execution, it being natural to all men to use the remedy next at hand, and rest satisfied with shifting the evil from their own doors; which in regard they can so easily do, by threatning or thrusting a poor body out of the verge of their own parish, it is unreasonable and vain to hope that ever it will be otherwise.

For the laws against inmates, and impowering the parishioners to take a security before they suffer any poor persons to inhabit amongst them, it may be they were prudent constitutions at the time they were made (and before England was a place of trade) and may be so still in some countries, but I am sure in cities and great towns of trade they are altogether improper, and contrary to the practice of other cities and trading towns abroad. The riches of a city, as of a nation, consisting of the multitude of inhabitants; and if so, you must allow inmates, or have a city of cottages. And if a right course be taken for the sustentation of the poor, and setting them on work, you need invent no stratagems to keep them out, but rather to bring them in. For the resort of poor to a city or nation well managed, is in effect the conflux of riches to that city or nation; and therefore the subtile Dutch receive and relieve, or employ all that come to them, not enquiring what nation, much less what parish, they are of.

Question 3. The third question: If the defect be in our laws, how shall we find a remedy that shall be rational and consistent?

This I confess is a hard and difficult question; it is one of the *arduæ regni*, and may very well deserve the most deliberate consideration of our wisest counsellors. And if a whole session of parliament were employed on this singular concern, I think it would be time spent as much to the glory of God and good of this nation, as in any thing that noble and worthy patriots of their country can be engaged in. But seeing I have adventured thus far, I shall humbly proceed to offer some general proposals that have

a tendency towards the effecting this great work, which, being seriously thought of and debated by wiser men, may be capable of such melioration as may render them in a great measure effectual to the kingdom in general, although at present, to prevent that common objection, that great mutations are dangerous, I shall only propose them to be experimented in these parts of the kingdom, which are the vitals of our body politick, which being once made sound, the cure of the rest will not be difficult.

Proposition 1. First then I propose, That the city of London and Westminster, borough of Southwark, and all other places within the usual lines of communication, described in the weekly bills of mortality, may by act of parliament be associated into one province, or line of communication, for relief of the poor.

2. That there be one assembly of men (and such as they shall from time to time appoint or deputize) entrusted with the care for, and treasure of all the poor within the said pale or line of communication.

3. That the said assembly be incorporated by act of parliament, with perpetual succession, by the name of Fathers of the Poor, or some other honourable and significant title.

4. That all constables, churchwardens, overseers, or other officers in all parishes, within the said line, be subordinate and accountable to the said fathers of the poor, and their deputies, for and in all things relating to the poor.

5. That the said fathers of the poor may have liberty to assess and receive into their common treasury, for relief of the poor, so much money from every parish as they yearly paid to that purpose any of the three years preceding this constitution, and to compel the payment thereof, but not of more.

6. That the said fathers of the poor, and their deputies, may have very large and sufficient power in all things relating to the poor, and particularly to have and receive the charitable benevolence of all persons, once every Lord's day, in every parish church, and in any other meeting of pious Christians, and at any other time or times which they shall think fit.

7. That the said fathers of the poor, and such as they shall authorize, may have power to purchase lands, erect and endow work-houses, hospitals, and houses of correction, and to exercise all other powers relating to the poor, that any number of justices of the peace now may do, in their quarter-sessions, or otherwise.

8. That the said fathers of the poor may have power to send such poor beyond the seas as they shall think fit into his majesty's plantations, taking security for their comfortable maintenance during their service, and for their freedom afterwards.

9. That the said fathers of the poor may have power to erect petty banks, and lumbards, for the benefit of the poor, if they shall find it convenient, and also to receive the one half of what is paid at all the doors of play-houses, and have the patent for farthings, and to do whatever else his majesty and the parliament shall think fit to recommend to them, or leave to their discretion.

10. That the treasure that shall be collected for this purpose, shall be accounted sacred, and that it be felony to misapply, conceal, lend, or convert it to any other use or purpose whatsoever.

11. That there be no oaths, or other tests, imposed upon the said fathers of the poor, at their admission, to bar our nonconformists, amongst whom there will be found some excellent instruments for this good work, and such as will constantly attend it (for if they be kept out, the people will be cold in their charity, and in the hopes of their success.)

12. That the said fathers of the poor may constantly wear some honourable medal, such as the king and parliament shall devise, besides the green staff which is now used in London to such like purpose (but upon extraordinary days only) to denote their authority and office at all times, and in all places, after the manner of the habits in Spain,

or rather as have all the familiars of the inquisition in most Romish countries, with admirable effect, though to a wicked purpose: the consequence whereof will be, that the said fathers of the poor, being numerous, and dispersed, by their habitations and business, into most parts of their province, will readily see any neglects of officers, and as easily redress them; the medal which they wear about them, being a sufficient warrant to command obedience from all parish officers wherever they come, although their persons be not known there.

13. That the said fathers of the poor may have liberty to admit into their society, and all powers and privileges equal with them, any persons that are willing to serve God, their king and country, in this pious and publick work, the persons desiring to be so admitted, paying at their admission 100*l.* or more into the poor's treasury, as a demonstration of the sincerity of their intentions to labour in and cultivate this most religious vineyard. This I only offer, because the number of the said fathers of the poor hereafter mentioned, may be thought rather too few than too many.

14. That the said fathers of the poor, besides the authority now exercised by the justices of the peace, may have some less limited powers given them, in relation to the punishment of their own, and parish officers, by pecuniary mulcts for the poor's benefit in case of neglect, and otherwise, as his majesty and the parliament shall think fit.

15. That the said fathers of the poor may have freedom to set the poor on work about whatsoever manufacture they think fit, with a *non obstante* to all patents that have been or shall be granted to any private person or persons for the sole manufacture of any commodity; the want of which privilege, I have been told, was a prejudice to the workhouse at Clerkenwell, in their late design of setting their poor children about making of hangings.

16. That all vacancies, by reason of death of any of the said fathers of the poor, be perpetually supplied by election of the survivors.

Quest. 4. The fourth question is, Who shall be the persons entrusted with so great a work and such excess of power?

This is a question likewise of some difficulty, and the more in regard of our present differences in religion, but I shall answer it as well as I can.

In general I say, they must be such as the people must have ample satisfaction in, or else the whole design will be lost: For if the universality of the people be not satisfied with the persons, they will never part with their money; but if they be well satisfied therein, they will be miraculously charitable.

Quest. 5. This begets a fifth question, What sort of men the people will be most satisfied in?

I answer, I think in none so well as such only as a common hall of the liverymen of London shall make choice of; it being evident, by the experience of many ages, that the several corporations in London are the best administrators of what is left to charitable uses, that have ever been in this kingdom, which is manifest in the regular, just, and prudent management of the hospitals of London, and was wisely observed by Dr Collet, Dean of St Paul's, that prudent ecclesiastick, when he left the government of that school, and other great revenues assigned by him for charitable uses, unto the disposition of the mercers company.

Objection. But here it may be objected, That country gentlemen, who have power in places of their residence, and pay out of their large estates considerable sums towards the maintenance of the poor within the afore-limited precincts, may be justly offended if they likewise have not a share in the distribution of what shall be raised to that purpose.

Answer. I answer, the force of this objection may be much taken off, if the city be obliged to chuse out a certain number out of the city, as, suppose, seventy for London;

ten out of Southwark for that borough, twenty for Westminster; this would best satisfy the people; and I think do the work: But if it be thought too much for the city to have the choice of any more than their own seventy, the justices of peace in their quarter sessions, may nominate and appoint their own number of persons to assist for their respective jurisdictions, and so to supply the vacancy in case of death, &c. But all must be conjunctive, but one body politick, or the work will never be done.

Question 6. The sixth question is, What will be the advantage to the kingdom in general, and to the poor in particular, that will accrue by such a society of men, more than is enjoyned by the laws at present?

I answer, innumerable and unspeakable are the benefits of this kingdom that will arise from the consultations and debates of such a wise and honest council, who being men so elected as aforesaid, will certainly conscionably study and labour to discharge their trust in this service of God, their king, and country.

1st. The poor, of what quality soever, as soon as they are met with, will be immediately relieved or set on work where they are found, without hurrying them from place to place, and torturing their bodies to no purpose.

2dly. Charitable-minded men will know certainly where to dispose of their charity, so as it may be employed to right purposes.

3dly. Housekeepers will be freed from the intolerable incumbrance of beggars at their doors.

4thly. The plantations will be regularly supplied with servants, and those that are sent thither well provided for.

5thly. The said assembly will doubtless appoint some of their own members to visit and relieve such as are sick, as often as there shall be occasion, together with poor labouring families both in city and suburbs.

6thly. Poor children will be instructed in learning and arts, and thereby rendered serviceable to their country, and many other worthy acts done for public good by the joint deliberation of so many prudent and pious men, assisted with such a power and purse, more than can be foreseen or expressed by a private person.

Question 7. The seventh question may be, What shall all the poor of these cities and countries, being very numerous, be employed about?

This question will be answered best by the said assembly themselves when they have met and consulted together, who cannot be presumed deficient of invention to set all the poor on work, especially since they may easily have admirable precedents from the practice of Holland in this particular, and have already very good ones of their own, in the orders of their hospitals of Christ-Church and Bridewell in London; the girls may be employed in mending the cloaths of the aged, in spinning, carding, and other linen manufactures, and many in sowing linen for the exchange, or any housekeepers that will put out linen to the matrons that have the government of them.

The boys in picking oakam, making pins, rasping wood, making hangings, or any other manufactures of any kind, which whether it turns to present profit or not, is not much material, the great business of the nation being first but to keep the poor from begging and starving, and inuring such as are able to labour and discipline, that they may be hereafter useful members to the kingdom: But to conclude, I say the wisest man, living solitarily, cannot propose or imagine such excellent ways and methods as will be invented by the united wisdom of so grave an assembly.

The sitting of the said assembly, I humbly conceive, ought to be, *de die in diem;* the quorum not more than thirteen; whether they shall yearly, monthly, or weekly chuse a president, how they shall distribute themselves into the several quarters of the communication; what treasurers and other officers to employ, and where, and how many, will best be determined by themselves, and that without difficulty, because many that will probably be members of the said assembly, have already had large experience of

the government of the hospitals of London: The manner of election of the said fathers of the poor, I humbly suppose, cannot possibly be better contrived than after the same way the East India Company chuse their committee, which will prevent the confusion, irregularity, and incertitude, that may attend the election of voices, or holding up of hands, especially because the persons to be elected at one time will be very many; the said manner proposed is, every elector, *viz.* every liveryman, to bring to Guildhall, at the appointed day for elections, a list of the whole number of persons, such as he thinks fit that are to be elected, and deliver the same openly unto such persons as the lord mayor, aldermen, and common council-men shall appoint to make the scrutiny; which persons so entrusted with the said scrutiny, seven or ten days after, as shall be thought fit, at another common hall, may declare who are the persons elected by the majority of votes.

If it be here objected to the whole purpose of this treatise, that this work may as well be done in distinct parishes, if all parishes were obliged to build workhouses, and employ their poor therein, as Dorchester and some others have done with good success.

I answer, that such attempts have been made in many places to my knowledge, with very good intents and strenuous endeavours, but all that ever I heard of proved vain and ineffectual, as I fear will that of Clerkenwell, except that single instance of the town of Dorchester, which yet signifies nothing in relation to the kingdom in general, because all other places cannot do the like; nor doth the town of Dorchester entertain any but their own poor only, and whip away all others; whereas that which I design, is to propose such a foundation as shall be large, wise, honest, and rich enough to maintain and employ all poor that come within the pale of their communication, without enquiring where they were born, or last inhabited: Which I dare affirm with humility, that nothing but a national, or at least such a provincial purse can so well do, nor any persons in this kingdom, but such only as shall be picked out by popular election, for the reason before alledged, *viz.* That, in my opinion, three-fourths at least of the stock must issue from the charity of the people; as I doubt not but it will to a greater proportion, if they be satisfied in the managers thereof; but if otherwise, not the fortieth, I might say not the hundredth part.

I propose the majority of the said fathers of the poor to be citizens (though I am none myself) because I think a great share of the money to be employed, must and will come from them, if ever the work be well done, as also, because their habitations are nearest the centre of their business, and they best acquainted with all affairs of this nature by their experience in the government of the hospitals.

Earnestly to desire and endeavour, that the poor of England should be better provided for and employed, is a work that was much studied by my deceased father, and therefore, though I be as ready to confess as any shall be to charge me with disability to propose a model of laws for this great affair, yet I hope the more ingenuous will pardon me for endeavouring to give aim towards it, since it is so much my duty, which in this particular I shall be careful to perform (though I may be too remiss in others) as shall appear by more visible and apparent demonstrations, if ever this design, or any other (that is like to effect what is desired) succeed.

A Letter written to a Member of Parliament, relating to Trade.

I am unable to ascertain the rank or condition of Mr John Egleton, the author of this Tract, which contains some very sensible hints on commercial subjects.

To his much respected Friend, Mr John Egleton.

Sir,

Turning over some papers that lay in my desk, I happened on the following letter of yours, writ some years past; it presently came into my thoughts to expose it unto publick view at this time (wherein I found your name in the list of candidates for no inconsiderable post in this city) to shew how active your thoughts have been to promote trade, and thereby the honour and interest of the nation: It met with the approbation of such as did at that time peruse it. I have only to beg your pardon for sending it to the press without your consent, for which I shall make no other excuse, than that calling once at your house, your absence prevented the having it granted or denied to,

Sir,

Your humble servant,

January 1st, 1702. S. R.

Sir,

Having never had the opportunity to observe the course of trade in foreign parts, or leisure to be acquainted with the entries of the custom-house at home, matters so requisite to form perfect ideas of trade, I had not in this way adventured to give you my thoughts thereof, if these just excuses had not been silenced by your repeated commands; I shall therefore, without further preface, give you my opinion in several particulars, as they occur to my thoughts.

I. Persons ought to be made easy in reference to the management of trade; the pride, moroseness, delays, and exactions of inferior officers at the places where the affairs of trade are transacted, have done an unspeakable mischief.

II. There ought to be a review of the book of rates, and variations therein made, as the nature of things require, respect being had, not so much what commodities will raise the greatest revenue to the crown, as what is the true interest of the nation, and an estimate may be made by considering,

First, What nations over-balance us in trade, and their commodities (especially if superfluous) we may more freely lay a duty on such nations as we gain by more sparingly.

Secondly, The laying high duties on such commodities as are capable of a further manufacture here, or such as are necessary for the carrying on our own manufactures,

as oil, and materials for dying, &c. is very prejudicial, because it augments the cost, and thereby lessens exportation.

Thirdly, Great care ought to be taken of whatsoever relates to the building and rigging of ships; for a foreign trade being that which enriches a kingdom, it is certainly our interest to do it on the cheapest terms.

Fourthly, For the same reason we should lay very small (if any) duties on our own manufactures, especially if wholly the produce of our own nation.

Fifthly, I conceive there ought to be as few articles to pay *ad valorem*, as is possible, for multiplying articles of this kind puts it within the power of corrupt officers to cheat the king, and hinder merchants from trading on equal terms; for it is not unknown what fraudulent practices have been used on this account, and what different values and rates are put on the same sort of commodities of equal goodness, belonging to different persons.

III. Great encouragement ought to be given to new manufactures, especially such as we fetch from abroad with bullion, as lustrings, alamodes, paper, and the like.

IV. It will be of great advantage to have the poor generally set on work (not to insist on the charity and civil prudence thereof) hereby a great deal may not only be saved of, but added to, the nation's stock, if they be employed.

First, In making such goods as we now fetch from foreign parts, especially where the balance of trade is against us.

Secondly, In making such goods as we may export to foreign markets, that are now furnished from distant parts, and not by us: I have great expectation from the corporation lately erected in this city, under the management of Sir R. C.

V. Care ought to be taken that our manufactures be kept up to their ancient goodness; this hath for a long tract of time maintained the reputation of our English bayes abroad: And here I cannot but remark what a great declension in goodness I have observed in Norwich cheneys, Colchester perpets, and Exon long ells, of which we used to export vast quantities: Cheneys now in great part disused; and as to the other, if not a stop put to their further debasing, I fear we shall lose our trade also; for prevention whereof I humbly conceive it would be necessary,

That a certain town seal be affixed on those pieces as are made of such a stated goodness, length, and breadth, as may be a common warrant for them all the world over.

That on inferior sorts all makers be obliged to put their particular seals, names, or marks (which shall be penal for any to counterfeit) with the length thereof; for by this means, observation and experience will make those distinguishments, that commissions will be given particularly for such maker's goods as will raise emulation amongst them who shall have the best reputation, or create a necessity for them to keep up to a goodness to invite a chapman.

VI. Trade ought not to be restrained by multiplying and needless prohibitions; it is owing to this, that our manufactures have been set up in many distant places; had not Irish cattle been prohibited, I conceive there would not have wanted an act of parliament to discourage the woollen manufacture in that kingdom; and I humbly submit it to consideration, whether the taking of most (if not all) the prohibitions and impositions that now interrupt the commerce of the two nations, would not stop the growing mischief you have been providing against.

Here two things ought to be considered;

First, That prohibitions, in reference to exportation, be principally confined to such things as are necessary to set up our manufacture in foreign parts, as wool, fullers-earth, &c.

Secondly, In reference to importation, that they are such things as are either the product of our own plantations, superfluous or prejudicial to our own manufactures,

and brought us from those places that overbalance us in trade; for in these cases, unless care be taken, either our plantations (from which England hath reaped vast advantage) will be impoverished, our bullion exhausted, and our poor multiplied.

VII. I conceive it prejudicial to trade to have it burthened with duties, for no other purpose but the duty's sake; as the aulnager's seal, which is no check upon the ill making of woollen goods; for I may purchase seals (as I am informed) and put them on my own stuffs, without any further inspection: Likewise those restraints that are put upon manufacturers, which confine them to a certain number of looms, apprentices, &c. For whatsoever tends to enhance the price of our manufactures (as hath been observed) will lessen their consumption, and in a degree prevent exportation.

VIII. It is the interest of England that some further provision be made by law, to secure the trade of its plantations, that they be solely furnished from hence, and that encouragement be given to our manufactures, whereas now a draw-back is allowed on some sort of goods sent thither, and thereby they supplied cheaper than ourselves, which is a loss to the king in his customs, and a great prejudice to the manufactures of this kingdom.

IX. It is of great importance to encourage the fishing trade; for what vast advantage do the Dutch make of the white-herring trade? And yet fish on our coast: And why might not we equal our neighbours: Having our coast replenished with great variety of fish, our shores and harbours convenient, besides many other advantages above them; this deserves a particular treatise.

X. Care ought to be taken for the better packing of our red herrings and pilchards; for the Exchange was lately full of complaints, of great quantities of fish carried abroad, that stank for not being well cured, occasioned by the draw-back allowed on salt, by act of parliament, the good intention whereof is eluded, the king cheated, and the nation abused by the bad practices of avaritious persons, whereby merchants sustained great losses abroad, and several law-suits created at home.

XI. It will conduce to the benefit of trade, that some further provision be made by law, for the better securing persons properties and estates, and that in several respects.

First, For the better and more equal distribution of bankrupts estates, by enacting new penalties for fraudulent bankrupts, and providing for a more speedy and exact discovery of the estates of other insolvent persons; for which purpose a law might easily be so framed, as might be for the advantage both of creditors and debtors, by preventing the vast charges that now attend the execution of commissions of bankrupcy, and by procuring a more speedy liberty to all honest bankrupts.

Secondly, For preventing creditors being cheated by latent judgments, and securities given at marriage, which I conceive ought not to be valid for greater sums than was *bonâ fide* received as a marriage portion, if there shall not be estate enough besides to satisfy just debts.

Thirdly, That all estates purchased by persons trading, be accounted assets to pay debts.

Fourthly, By enabling persons more easily to recover debts due from corporate and politick bodies; the difficulty and charge of suing such hath encouraged such actions in aggregate societies, as any single person of honour and honesty would blush at.

Fifthly, By compelling executors and administrators to pay debts (respect being had to that priority the law gives to different kinds of securities) in a proportion.

XII. It would greatly conduce to the flourishing of trade, if a more speedy and cheaper way were established for the recovery of debts contracted by trade, deciding of controversies relating to merchants' accompts, bills of exchange, tradesmen, masters and freighters of ships, &c. For hereby vast charges and expences of time lavished and consumed by tedious suits in law would be avoided, a check given to the negligence and injustice of commanders, navigation encouraged. I do therefore humbly offer,

whether there might not be erected a court merchant in the city of London, that may be so constituted as may answer the ends desired; and it would be a lasting monument of honour to those gentlemen of the long robe in your house, if they would be assisting herein.

13. The free admission of Jews amongst us, and giving them equal privileges with natives, is very prejudicial to trade; for being a crafty, subtile, and parsimonious and oppressive people, who think themselves under no obligation from the precepts of the gospel, do by indirect practices, and the clemency of our government, deprive our merchants[1] of that profit which would redound to them; and by insinuating and settling themselves in great trading ports, and in our American plantations, corresponding chiefly with one another, do thereby raise great estates, insomuch, as they are now become the great remitters of money on the exchange, to the great detriment of our English merchants: It is also commonly, and not without ground, reported, that they constantly give information, whensoever any English are taken and carried captive into Algier, Sally, &c. of their persons, quality, friends, and relations, whereby greater ransoms are demanded; for redress of these mischiefs, if true, I humbly offer,

First, That an additional duty be imposed on whatsoever shall be exported and imported by Jews, with severe penalties on such as shall any way cover or conceal their goods and merchandizes, or be aiding and assisting therein.

Secondly, That they draw no foreign bill of exchange, but on paper stampt with a stamp.

Thirdly, That a committee, annually to be chosen by the common-council of London, do once in every year give in writing to the heads of them, a list of persons for them at their own charge, to ransom out of slavery; and for every one of those persons, that shall be continued in slavery months after the delivery thereof, to pay pounds to the chamberlain of London, to be employed for the redemption of persons from captivity, as the said committee shall direct.

XIII. I further offer it as my opinion, that hawkers, pedlars, and petty chapmen, be prohibited travelling and trading up and down the nation: For,

First, They impoverish most of the corporations and market-towns in England, by depriving them of their trade; and thereby sink the value of lands, which must rise or fall as trade flourishes or decays.

Secondly, Those people encourage the debasing the manufacture of England; they readily buying all sorts of ware, defective in length, breadth, and goodness.

Thirdly, They defraud the king by often concealing and disposing uncustomed goods, and evade the laws made for prohibiting French silks, &c. usually sold by them.

Fourthly, They exhaust the treasure of the nation, multitudes of them being Scotchmen, and more we may expect (since Darien is abandoned) who come beggars hither, and enrich themselves, and return into their own country.

Fifthly, They neither pay taxes to his majesty, scot or lot in any settled places, being continually roving up and down, living upon provision they usually get at gentlemen's houses, by the gift of a row of pins, a lace, or the like to the servant maid.

XIV. It is very necessary, that the pernicious and villainous trade of stock-jobbing be suppressed; a trade which hath much obtained of late years, and hath been fatally successful, not only in diverting persons from the ordinary methods of trade, but also in debauching their morals to a strange degree; ruining many families, who have been blown up by the secret trains and infernal practices of stock-jobbing brokers, and others; for the prevention whereof for the future, it is proposed,

First, That all contracts for stock or credits, in either of the East-India or African

[1] Sir Josiah Child, Mr John Bland.

companies, Bank of England, &c. be registered by some officer to be appointed by the chamberlain of London; the seller to pay pence for registering thereof, and this to be within days after the contract made, the person neglecting to pay for each default; if a broker, to forfeit his place besides.

Secondly, That all such contracts made shall be transferred within days, on penalty of forfeiting shillings for each hundred pounds and under; and proportionably for any greater sum.

Thirdly, That all persons purchasing any stock in either of the said companies, be obliged to keep it months, or else to pay per cent. for so much as shall be disposed sooner.

Fourthly, That all persons lending stock to another, to elude the penalties of such act, shall forfeit per cent. and so proportionably for a greater or lesser sum.

Fifthly, That all notes given to transfer stock or declaration of trust relating thereunto, shall be registered within days after made, under the penalty of

Sixthly, All persons selling by himself or broker more stock than he hath credit for, in either of the said companies books, shall forfeit per cent. and under, and so proportionably for any greater sum.

Seventhly, That the governor in each company do cause a list of the names of every person interested therein, and how much, to be transmitted every months to the said chamberlain; and an account of all the transfers made within the said time, and the time when, to whom, and by whom made.

Eighthly, All the forfeitures and penalties to be sued for in any of the courts of records within the city of London, by action, bill, &c. brought in the name of the chamberlain, for the use of the said city; and treble costs given.

XV. It would advance trade to make more of our rivers navigable: This may be detrimental to some particular places and persons, but beneficial to the nation in general: For whatsoever tends to the making of our manufactures cheap, as this undoubtedly doth, by reason of cheaper conveyance, increases their consumption, and opens a way for greater exportations, which is the inlet of riches into a kingdom.

XVI. I submit to consideration, whether it would not promote trade, to reduce the interest of money from six to four per cent. This hath been so largely insisted on by several persons, that I shall only answer one objection which may be made, that I have not found answered by any, viz. Upon the calling in of the old money to be new coined, every man is sensible that a vast sum lay as a dead stock hoarded up, as appears by the great quantity of broad money brought to light, which six per cent. and a greater interest could not allure from its retirement; will not then the lowering of interest add to that sum, and thereby instead of enlarging, contract trade?

I answer, First, it cannot be expected, that any inducement will be prevalent enough to unlock all persons chests, and draw forth the whole cash of the nation.

Secondly, I conceive the great reasons that kept so much cash immured, was not only the great and daily diminution of its intrinsick value, by clipping and counterfeiting observed, and the fear what would be the consequence thereof, but also a dissatisfaction in the securities offered; the former is now over, and as to the latter, if the interest of money were abated, there would not only be better real, but also personal security offered, for this would undoubtedly advance the value of land, which hath been observed in all places to be the consequence: So that that land, which was before a security for a thousand pounds, will now be a security for a greater sum: There would also be better personal security, for this would prevail with very considerable merchants and traders, to continue and enlarge their dealings, by reason they might afford to trade for less per cent. advance, and with less hazard and risk in case returns should not presently answer expectation: Besides persons would be encouraged to engage in new and various designs and undertakings, which will cause a free circulation

of money throughout the nation: But I conceive, if due encouragement were by all other ways given to trade, it would reduce interest, which would be much better than by a law made for that purpose.

XVII. I humbly propose it, whether it would not advance trade, that once in eight or ten years a publick lottery were erected by act of parliament, like that of the million lottery, which was observed to bring forth great quantities of hoarded money, both gold and silver, and gave a general satisfaction; and probably such another would have the like effect.

XVIII. I propose it, whether it would not be advantageous to the nation, to forbid all bullion to be exported, and give liberty to all coined money, both foreign and English; for this would make our own coin of equal value with foreign, and prevent the melting it down, as also its private exportation to be re-coined into foreign dollars; and again imported at 4d. 5d. and sometimes at a higher value per ounce than it went out: That both these ways are practised, is rational to suppose, if we consider,

First, The vast quantity of bullion that appears at Guildhall, whenever there is occasion for exportation thereof.

Secondly, The great quantity of silver sent to Holland by the Jews, and other great traders in gold, when guineas were at an advanced value with us.

Thirdly, The very large quantities of dollars, I have lately observed the coins of very many and very distant places, and the great variety of them that appeared fresh from the Mint, though much more ancient by their inscriptions. I know some things may plausibly be urged against this opinion; but whatsoever hath been urged by others, or suggested by my own thoughts, hath not been able to alter my sentiments herein.

XIX. The advancing of eminent merchants, and traders of known abilities and integrity to places of honour and profit, relating to the management of trade, would tend to its encouragement, for such would be best capacitated to discharge those trusts, by reason of their knowledge and experience, and be a greater check upon all inferior officers, acting in a lower station, to keep them within bounds.

XX. The more general suppressing of vice and immorality would have a great tendency to promote the honour and prosperity of the nation, for vice not only emasculates men's minds, renders them unactive, obstructs that application that is absolutely necessary for business, but also deprives a nation of the blessing of Almighty God, without which it is impossible for any city or kingdom to arrive to any considerable pitch of glory, or long continue the enjoyment thereof.

XXI. The continuance of that indulgence, whereby all persuasions of protestants are made easy as to religion, gives a mighty encouragement to trade; for this being of most valuable importance to the most serious and considerable part of mankind, is absolutely necessary to produce that steady application which trade and traffick require.

I might also multiply many more particulars, as the sending yearly ships abroad for discovery; the promoting regular enclosements; improving wide commons and waste places; the encouraging sowing hemp and flax, the endeavouring to plant nutmegs into our West-India plantations, erecting committees of merchants, tradesmen, and manufacturers, that might annually meet and consult the interest of trade in the various parts of the kingdom, all which I leave to better judgments to enlarge on.

Sir, it is possible I may be mistaken in some particulars, but shall be ready upon better information to retract my errors, aiming only at the publick interest, and (as far as I am able) your satisfaction; I am not insensible that the necessary engagements, which a long and expensive war hath caused, may render it difficult to put in practice several of the particulars mentioned; I shall not presume to offer any methods for the obviating thereof, not doubting but that so many worthy gentlemen of such ample fortunes and equal wisdom that compose your august assembly, will find out a way to

preserve sacred the honour of parliaments, secure the interest of the nation, and settle he trade thereof upon a rational and honest basis, which is desired by,

Sir,

Your most humble servant,

J. Egleton.

A Problem concerning the Gout; in a Letter to Sir John Gordon, Fellow of the Royal College of Physicians, and of the Royal Society in London. By G. P. Esq., with a Reply, and Censure thereupon.

Mr George Philips and Sir John Gordon, the latter of whom was a Scottish physician of some eminence, have here busied themselves in the cure of a disorder which, since the days of Lucian, has put the skill of the faculty at defiance.

Sir,

You have, by the very magic of your most ingenious discourse (with which you honoured me the other day) wrought a cure very foreign to your profession; you have rectified the habit of my mind, and expelled a noxious error from my judgment. But give me leave to tell you, if you accustom yourself to such methods, if you are at such expence of learning and rhetoric, to undermine a sandy notion, to break a brittle fancy in pieces, you will make the number of your opponents exceed that of your converts; either by stirring up some fumes of pride in such as I am, to observe our crude conceits worthy of your censure; or, by raising an itch of contradiction, only to enjoy the pleasure of your confutation. And now, to make my submission complete, I will present you with the scheme of my conceptions on that subject, that so having rid my thoughts of the burthen of them, they may creditably expire under the honour of your correction.

I have been acquainted with the gout near twenty years, during which time the troublesome (but, as I have used to treat him, not very chargeable) guest hath constantly paid me a visit once in the year, and sometimes twice; therefore I may be allowed to give an account of it more than notionally and theoretically. And though I do not in the least pretend to any knowledge or judgment in the noble science of physic, yet having in my younger years been conversant in the most delightful study of anatomy, I came to understand the inside of myself, and a little to know, and with some astonishment to admire, that orderly and stupendous contexture of all parts of the body, which no hand, but that of an omnipotent Creator, could effect; which every man carries about him, but few know, and none can understand, but such as have been accustomed to dissection, and especially of living bodies; and is in some measure represented by a clock, the order and office of which is very admirable; but when you open the doors, and behold the motions (so like to animal) the harmony and subserviency of each wheel and part to the other, all wonder of the outside ceaseth and is disregarded. Besides, my age warrants me to claim the title of a physician in

my own defence, that I may avoid the epithet of a fool; and I am obliged to pretend to some proficiency, that I may escape the censure of talking like an apothecary.

Upon the whole, I do observe, that the causes of that distemper are as much mistaken, and as little understood, as the cure. Wherefore I am in my opinion very heterodox, and do think, that whosoever is so fortunate as to be affected with the gout (especially if the indications of it do commence in his declining age,) he ought to use no means to repel it, or be rid of it, but patiently to endure the fit, as a lucky, though sharp composition for more fatal maladies; as I have heard or read of a custom used in the Low Countries, that when a man after fifty falls into the gout, his friends come about him, they make a feast, and rejoice at this hopeful prolongation of his life, and a probable addition of twenty or thirty years to it. And by the way, I cannot but observe to you, that when Asa, King of Judah, was diseased in his feet (which is by all interpreted to be the gout) it is noted of him, that he did not seek to the Lord, but to his physicians; he did not patiently endure the fit, but tampered with plaisters and poultices.

In some persons the gout is hereditary, and in some it is original; and though it be ordinary to impute the assaults of it to excess in diet, and other inordinate pleasures, yet having in my observations remarked how many men and women of the strictest temperance, and singularly abstemious, have been in the most miserable manner afflicted with it, while others, setting no limits to their appetite, have for many years indulged themselves in excess, yet never suffered in any symptoms of it, I cannot be persuaded that it proceeds naturally, or necessarily, from such causes.

It may justly and reasonably be called, *malæ causæ bonus effectus;* and though possibly it were good for a man not to have that disorder in the humours, which doth occasion that distemper, yet it is better to have that irregularity dispelled by a fit of the gout, than to be fixed by a disease in any of the noble parts, or transformed into an acute fever; it may be well for a man to be of so athletic a constitution, as to have no disposition to the gout; but it is certainly better for him that once hath had it, not to miss the annual return of it; nay I am almost induced to say, that the gout is so far from being a disease, that it is rather a cure, a cure administered by nature, without the aid of a physician, and infallibly effectual, if not interrupted by cross and churlish applications.

I am of opinion, that this may be a proper definition of the gout, *arthritis est purgatio nervorum.* And I am inclined to suppose so, by reasons drawn from my own observation and experience. First, because a dulness of the brain, and heaviness in the head (which is the root of the nerves) is a certain, if not a constant, precedaneous symptom of an approaching fit; and then when the gout is fixed in the hand, or foot, or other joint, immediately that cloud which darkened the brain is dispelled; and the understanding, memory, and fancy, are sensibly cleared and quickened. Secondly, another symptom is *motio formicans*, a little stirring in the back, like the crawling of emmets or pismires; which seem to be a goutish humour passing along the spinal marrow, from whence the nerves are disseminated. Thirdly, because the operation, or affliction of the gout, is not exercised on the fleshy and musculous parts of the body, but is suddenly darted and conveyed through the channels of the nerves into some joint, and yet doth not remain in the nerves; which I conceive to be performed thus; a nerve being composed of many filaments covered with a membrane, is the proper vehicle and instrument both of motion and sensation, the latter whereof is performed by the object being carried by a tremulous motion up to the common sense (as a stretched lute-string trembles at the top when touched at the bottom;) the other by conveying the animal spirits between the cavities of those threads or filaments, which compose the nerve (as a bundle of quills clapt together must leave spaces and vacuities, because they are round, and can touch one another but in *lineâ*, by reason of their

convexity ;) now through these cavities, I suppose, the malignant ferment which nature throws off, (and is the very elixir of contagious humours) channels along, and passes to the joints, where, if undisturbed by violent and unnecessary applications, it gently evaporates by insensible perspiration, after its due crisis and periods.

Fourthly, Because the gout, like other acute distempers, hath its gradual and regular procession, its increment, state, and declension; and having gone through the extremities of the body, passes off (if not checked and controuled by plaisters, salves, and poultices) leaving the joint or member free from all pain, but weak, and disabled from motion, which is the proper employment of the nerves and muscles.

Fifthly, Because the cramp (which is a convulsive motion, and distortion of the nerves and muscles) is constantly an usher, or an attendant, of the gout.

In the tenets of religion, I desire to be always orthodox; in the disquisitions of natural philosophy, I take a pleasure to be heretical: I subscribe to the dictates of the church; but I am not ashamed to be a non-conformist to the theorems of Aristotle and Galen. So being once got out of the common road, give me leave to ramble a little, and to present you with some other notions, which without arrogance I may call my own, since no other man (to the best of my knowledge) ever published the same; so peradventure no man else will applaud or abet: but for that I am no way concerned; what I write is for my own pleasure and your diversion, and I am not at all ambitious to be the leader of a sect or party.

I am of opinion, that the gout and stone are one and the same, conceived and begot by the same causes, fostered and cherished by the same accidents, and only differing in their seat and position; the one ravaging among the joints and external parts of the body; the other making its residence in the inward recesses of the veins, and urinary passages. I take the stomach to be the *primum mobile*, and principal agent in these occurrences, to whose indisposition and mal-administration the dolorous consequences both of the one and the other are primarily to be attributed; so that the errors in the first concoction (whether arising from the natural debility of that vessel, or fomented by the inordinate use and the irregularities of diet) are the embryo, or seed-plot, from whence the maladies and disorders which infest the body are derived. Hence agues and fevers receive the first rudiments of their formation, from the crude relics of indigestion. Here, by precipitated concoction, the pure and genuine chyle is perverted into acrimonious humours, and cholar adust, which become the original of catarrhs, consumptions, and hydropic distempers. But if by the strength of nature, and the pancreatic constitution of the party, the malignity be removed from the vitals, and the venom precluded from channelling in the arteries, then the ferment, or morbific salt, is forced away, and either ejaculated into the nerves, which causeth the paroxysms of the gout, or transmitted into the kidneys, and causeth the condensing of gravel, which carrieth the contagion off with it, if seasonably expelled; but if fixed, engendereth the stone, and the fatal torments that attend it. Nay, the very end and utmost effort, both of stone and gout, conclude in a sandy and calculous accretion; the one visible in the bladder, the other apparent in chalky, topaceous stones in the joints of the hand and feet: To which, let me add the observation of Dr Willis, (which I have read in his works) that having by powerful physic driven away the gravel from a patient, he became presently afflicted with gout; and having forced that to depart, the stone immediately returned, and became his bane.

But what if I should strain a point higher, and entertain you with a fancy just now come into my head? Because every man (who is not taken away by a violent death) is said to die of a fever, why may it not be rationally conjectured, that the most notorious, ordinary, and epidemical distempers and diseases, are but so many diversified kinds, or species of fevers? And if so, then I may be allowed to coin a new distinction, and divide that universal minister of death into these several classes, *febris venalis, febris ar-*

terialis, fbris stomachica, febris nephritica, and febris nervea. Under the first, I place pleurisies, and other distempers arising from redundancy, or an ill habit of the blood. In the second, are comprehended agues, violent and malignant fevers, proceeding from inflammations, and corruption of the fountain of blood and animal spirits, the heart. The third shews itself in cholics, iliac passions, griping of the guts, and other torments caused by wind, and fetching their original from the stomach. The sharp twinges of the gravel, and excruciating miseries of the stone, are exercised on the kidneys, ureters and bladder, and may fairly pass under the denomination of *febris nephritica.* And doubtless the pains and afflictions of the gout may properly be termed *febris nervea,* since its swing and operation is wholly in the nerves, and is indicated and determined by periodical and feverish fits; a true fit of the gout being always attended by a *febricula,* or short fever. Thus the body of man is assaulted by enemies of its own generation; one sort of fever storms it, another blows it up, another undermines it; this batters it, and that pulls it to the ground; every man desires to live long, but no man would be old; and even the gout, which generally is the concomitant of old age, helps to increase the miseries of it. I will conclude with a fable of the Gout and the Spider, which was told me by a country gardener. "The Gout and the Spider, having been old acquaintance, met in a summer's evening; and after ordinary salutations, began to congratulate each other's felicity. The Gout extolled his good fortune, that was so luckily placed in a stately house near adjoining, where the owner of it caressed him with all manner of kindness, comforting him with plaisters, refreshing him with oil and frictions, covering him with scarlet and flannel, and treating him with so much civility, that he was not put to the toil of walking, but rested day and night in a warm room. The Spider said, I have taken up my quarters in a poor man's cottage, where though my entertainment be but mean, yet I enjoy safety and tranquillity; I spread my nets through the house, I have as many webs in the loom as would serve all my generation, and nobody disturbs me. Thus having mutually descanted on their happiness, a curiosity pricked them to change quarters for one night, that each might be a witness of the other's good condition; so they parted, appointing to meet in the same place, and recount their adventures. Accordingly the Gout marcheth to the cottage, attacks the owner, and fixeth his residence in his great toe. The Spider ascends the gentleman's parlour, falls presently to work, and before day he had extended his manufacture through all the spaces of the room. The next night they met again, but in a most deplorable condition; the Gout looked as if he were half-drowned and half-dead. The Spider as if he were frightened out of his wits. But wondering awhile at one another's fate, and recollecting themselves, the Gout told his friend, that when he came to the cottage, he, according to his custom, seized on the good man's toe, expecting to rest quietly there; but to his astonishment, the man started up, run about with his naked feet, and plunged himself into a pond, and had almost drowned or choaked him, so that he had hardly escaped with life. My fortune has been little better (replies the Spider) for having finished my work, and spread my nets up and down the room, I betook me to rest; but early in the morning the chamber-maid comes, and with her broom and whisk unmercifully destroys and tears down what I had wrought; I, upon the alarm, retreated into a hole, and with much difficulty made my escape hither. So, after a little pausing, they took leave: The Gout returning to the rich man, and the Spider to the poor."

But lest the flat repetition of such frivolous and incoherent stuff may prove as troublesome as the disease it treats of, or the wanton excursions of my pen prove equally vexatious to the very twinges of the gout, in pure pity, and good manners, I desist, after I have with all possible respect and sincerity avowed myself,

Sir,

Your most faithful humble servant,

Nov. 3d, 1690. G. Philips.

The Reply.

Sir,

Though by your letter you do me the honour to represent me as moulded in that of the most extensive friendship; and submit to my reflections your very ingenious and well-contrived thoughts of the cause, previous and subsequent phœnomena of your old and intimate friend, the Gout; yet I will not be guilty of so much vanity as to endeavour any alteration in that scheme which you have so neatly and ingeniously framed: especially your sentiments on that head being espoused and very well defended, not only by Juncken, and those learned physicians, who will have the nutritious juices to be conveyed to all the parts of the body by the nerves, but also by that ornament of learning Dr Charleton,[1] present president of the Royal College of Physicians; for whose learning and acute reasonings I have that veneration, that I judge it almost a crime to entertain different sentiments from his in such speculations. But I must add, without the least flattery, That if any inducements could oblige me to become a proselyte to the speculative part of your opinions on this subject, you yourself furnish me with stronger inducements than all my books or converse in the world could do. For when I consider the height of your fancy, the clearness of your reasonings, the solidness of your judgment, the great connection I find betwixt all the links of the chain of your various and pleasing thoughts on all subjects; the charmingness and peculiar neatness of your pen, I am almost persuaded to believe, that the gout must be a critical evacuation of the brain and animal spirits, by which heterogeneous, acid, acrious, austere, and other troublesome particles are thrown off from the brain and nerves, on the articulations of the limbs, which clouds the fancy, and lames the reasonings of most men who are strangers to that troublesome, though advantageous crisis; and I must tell you, that, were I confident your old friend would procure me those advantages I admire in you, I would almost court his intimate familiarity; but, *ex quovis ligno non fit Mercurius.*

Those who will have the cause of the gout to be lodged immediately in the blood and circulating liquors, and not in the brain, and *genus nervosum,* and will have the crisis performed by the mediation of the mucilaginous and oleaginous glands of the joints, seem to plead fairer, and are exposed to fewer intricacies and less difficulties than the patrons of the other hypothesis are; and give a clear and very intelligible account of the genealogies of all the antecedent, concomicant, and consequent phænomena of that troublesome companion; and lest a man of your universal knowledge should be a stranger to so useful a part of anatomy, I presume to recommend to your perusal a little tract, called *Osteologia Nova,* lately wrote by Dr Havers, from whose ingenious pen the commonwealth of learning may expect what may be useful to that republic.

But not to trouble you further with speculations of this kind (for in framing, extending, and improving of fine thoughts, I willingly and justly resign in your favour the right hand of fellowship) I find, not only by thoroughly considering the animal œconomy, but by many years practice and experience, that those different hypotheses force very little alteration on the rational method of cure. And you must pardon me, if I take you to task as to what concerns the practical part of your letter, if in good Scotch (I pretend not to write English) I may so term it; that being a province to which I am not altogether a stranger.

[1] Walter Charleton, M. D. was eminent for an elegant defence of Harvey's system of the circulation of the blood, and for other learned works. He was born in 1619, was president of the Royal College of Physicians from 1689 to 1691, and died in distressed circumstances about 1707.

In the first place, I must tell you, it is my opinion, had a man of your head made it his business to be so much conversant in the practical part of medicine, as you are in the theoric, you might have easily, not only promoted yourself to the dignity and title of a second Æsculapius, but also, I am confident, you had altogether altered your sentiments as to the cure or removal of your old friend. I could, were it necessary, adduce many instances, and possibly of your countrymen, of whom some are in this place, others returned to Ireland, whom in a little time, by the use of internals and topics, I freed from that troublesome distemper, which is not returned as yet.

But in the next place, you may consider (not to discourse now of the various particles and alterations the circulating liquors receive from the air, by inspiration and otherwise; for the nature of a letter will not allow of such excursions) that whether the cause, or *minera morbi*, lodge in the blood, &c. or *genus nervosum*, mostly, the stomach and guts, and the various alterations the materials of our diet undergo in these digestory cavities, cannot vindicate themselves to us, for performing their duty so faintly; nor can we, to ourselves, for oppressing and burthening them so much. So that if the chyle be acrious, acid, austere, or of other qualities, the blood must participate of the nature of the materials of which it is made. Besides, if a great deal of crudities, humours, or call them as you will, nestle and stagnate in the guts, stomach, or other parts of the abdomen, which vitiate the chylification and chyle, and rivulets it ill to the circulating humours, by the lactic veins (and if not carried off by vomitters and purgers according to the present circumstances of the patient) *in limine*, must give new matter to new returning paroxysms, till a long abstinence, and oft recurring fits, emaciate the patient, and consume the *fomies morbi* in the first region; which a rational physician can remove very soon, without the least, or very little trouble to the patient; if imposement or byass (the brats of authority) oblige the physician to be a spectator, the patient is like to have a pleasant time of it.

In my practice, wherever I find the *minera morbi*, I tamper not with it, but turn it off how soon I can; and if I occasion thereby any troublesome disorder in the fluids, I force them to their proper stations by suitable paragorics; by which methods I never had any disreputation, but my patients great advantage. When indications oblige, I open a vein, I give sweaters and diuretics, by which I divert the designed course of those troublesome fluid salts; and seeing the animal spirits are but the product of the blood, and cannot be expected to be of a more mild temper than their progenitor, I alter the circulating fluids as soon and much as I can, by removing out of them what is hostile and troublesome, and lodging in them such principles and particles as I judge them to want. And I judge, by such a method, (supposing still the patient to be rational and tractable) the gout is not altogether so stubborn and rebellious as he is discoursed to be; at least, I found him, in such circumstances, obsequious enough to my commands; so that I will not be so unjust to the poor criminal as many are. For should I not procure a tractable and rational patient what he expects, I would rather complain of my timorousness, my being imposed on by the bugbears of great authority, and negligence of suitable administrations, than on the stubbornness of a few viscid, saline humours, which may be cut off as to their *minera*, and thrown off by suitable medicines in a very short time.

Sir, I find you are irreconcileable to topical applications, whether poultices, plaisters, or all others of that kind; but when I have discoursed you a little as to the nature of those kind applications, I hope I may moderate your passion against them; and do some of them the honour as to procure them your most serene and obliging countenance.

I must confess to you, and acknowledge, that such of them as are emplastic, astringent, and so contract the pores, and stop the insensible transpiration, deservedly merit very much your displeasure, on the grounds and reasons you intimate in your letter.

But such internal applications as open the pores, dissolve coagulations, (by blunting the acid coagulating salts) in the cutaneous glands, and possibly alter very much the texture of the circulating liquors, without any previous trouble to the stomach, I hope I may presume to usher those to your acquaintance; and I have that very great esteem for your merit, that I would not make you uneasy, by giving your esteem and friendship to any, but those I can venture my reputation for what I promise in their name. And if you command me to disclose to you the very secrets of my cabinet, your commands will be obsequiously obeyed.

I do not much admire the custom of Holland; nor do I believe a rational and sedulous physician (if the patient be tractable) will suffer the gout to run all these stages; for I know by many experiences, it may be strangled when in embryo, or may be destroyed in the bud, before it can blossom; or if it do, may be made fall before it ripen, *sublata causa tollitur effectus;* but if we suffer our digestions to be weakened, vitiated, and oppressed, the circulating liquors to be loaded with troublesome salts, or other particles; if we lodge and continue in the center and digesting cavities of our body, such a mass of incommoding humours, which must of necessity produce many distempers, according to the texture of the fluids and particular mechanisms of the solids of those concerned; then the Holland custom takes place, and not only the gout, but other distempers, both acute and chronic, run their particular stages in great triumph, which we owe to our own inadvertency, or our physician's neglect; for our health and sicknesses are mechanical, depend on mechanical principles; and he who understands this mechanism well, and adverts attentively to all its motions, measures, and stops, can order the bodily machine so, that opinions handed down to us from antiquity, as to the nature of diseases, and methods of cure, will very soon and easily be antiquated with the serious observers of what concerns health and sickness.

I do not question, persons of both sexes, who lived very temperately, as to the solids and liquids of their diet, are originally (if I may so term it) obnoxious and pre-disposed for several particular distempers, from which many (who are absolute slaves to their palates, and venture on all irregularities of that nature, and are intimate to all sorts of debauches) are exempted; but this depends mostly on the primitive configurations, and mechanisms of the *glans, tubulæ*, and other secretory organs of the body, which are not framed at the same rate in all individuals; whether this difference of particular mechanisms, or organizations, proceed from hereditary (if the word may pass) principles, or from other superior or concurrent causes, I will not give you or myself the trouble to determine.

This letter will not allow me to give you my reflections on your ingenious speculations about the nature of fevers, and your placing them in their several ranks and classes, lest I should give you the trouble to read a pamphlet instead of a letter, which by its length is become too bulcous already, and may rob you of too much of your time, which you always employ to better purpose; but if this please, that may be the subject of a second entertainment. You did me the kindness to read me some essays you have yet kept in their retirement; but in my opinion they very much deserve a better fate; and I am confident, you will very much oblige the learned part of mankind, if you give them that dress in which they may be in their hands. Sir, believe me, that none esteems yourself, or the products of your pen, more than

Your very humble servant,

J. Gordon.

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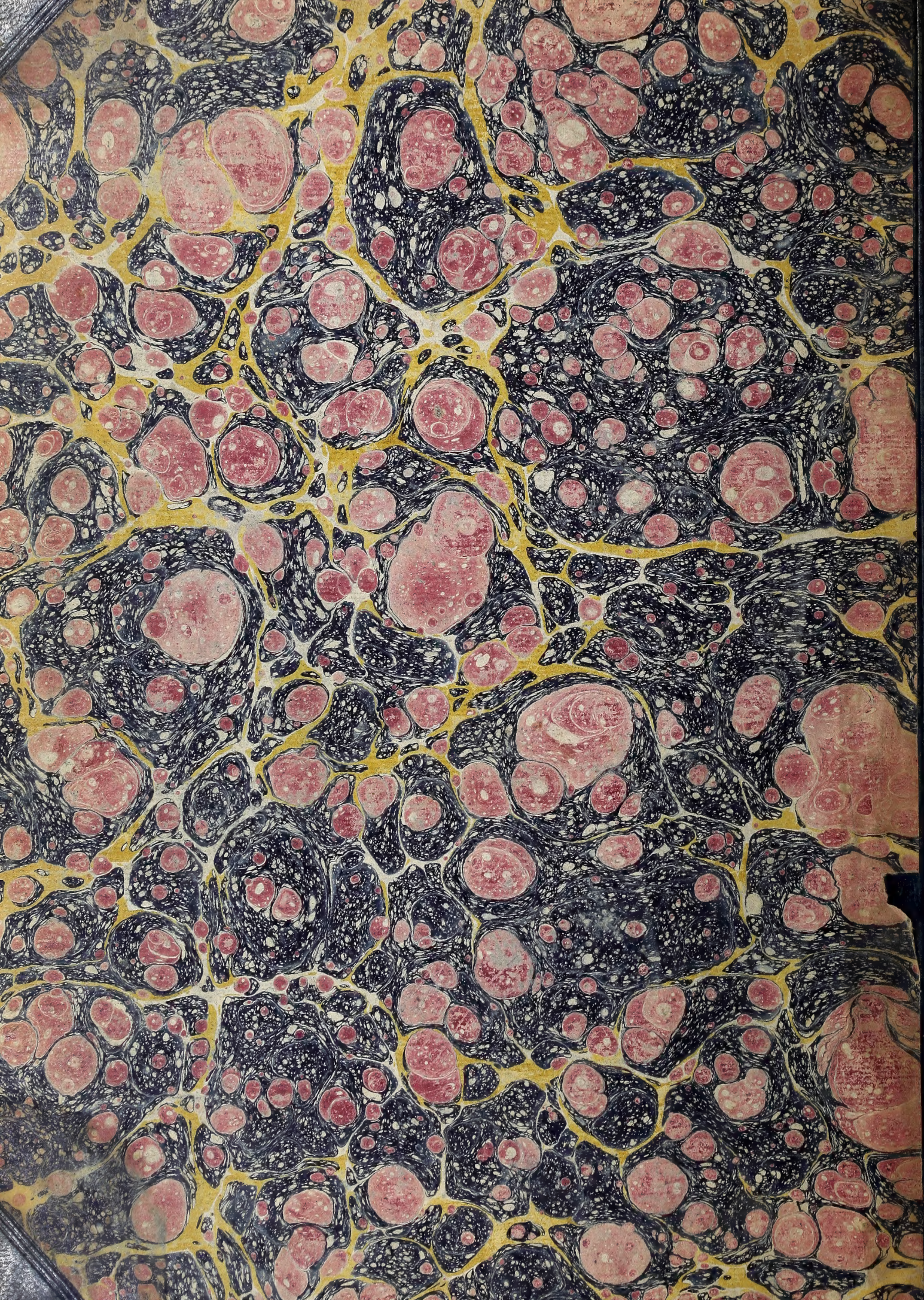
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